

ADVANCES in UNDERSTANDING the OFFENDER

1950 YEARBOOK



CURRENT OPINION ON THE TREATMENT AND PREVENTION OF
DELINQUENCY AND CRIME. PAPERS GIVEN AT THE FORTY-THIRD
ANNUAL CONFERENCE OF THE ASSOCIATION IN ATLANTIC CITY,
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FOREWORD

PROBATION and parole have demonstrated their practicality as instruments for protecting the public and preserving individual human values. That they have not been more fully developed in many areas represents a real challenge alike to professionals and laymen concerned with a rational approach to crime and delinquency. Great as is the need for deepening our understanding of motivation to antisocial behavior, the fact remains that if we were able to apply the knowledge we already have gained we would be much further along in dealing with a major national problem. The 1950 Yearbook *Advances in Understanding the Offender* reflects both the experience and the insight of contributors who bring a variety of skills to bear on the problem.

The papers in this Yearbook are drawn mainly from the two major conferences of the Association, the spring one held as an associate group of the National Conference of Social Work, and the fall meetings which are part of the Congress of Correction. Judge Melson's paper was given at a joint session of the National Conference of Juvenile Agencies and the NPPA at the Congress meeting in St. Louis in October 1950. The papers by Gordon S. Jaeck and Richard T. Smith were from Congress sessions sponsored by the Association. Those by Dorothy L. Book and Charles W. Leonard were taken from the program of the National Conference of Social Work, which annually has sessions devoted to treatment of crime and delinquency. The others, except for the Legal Digest and the material on the NPPA, were from our own program at Atlantic City, April 25 and 27.

WILL C. TURNBLADH

March 1, 1951

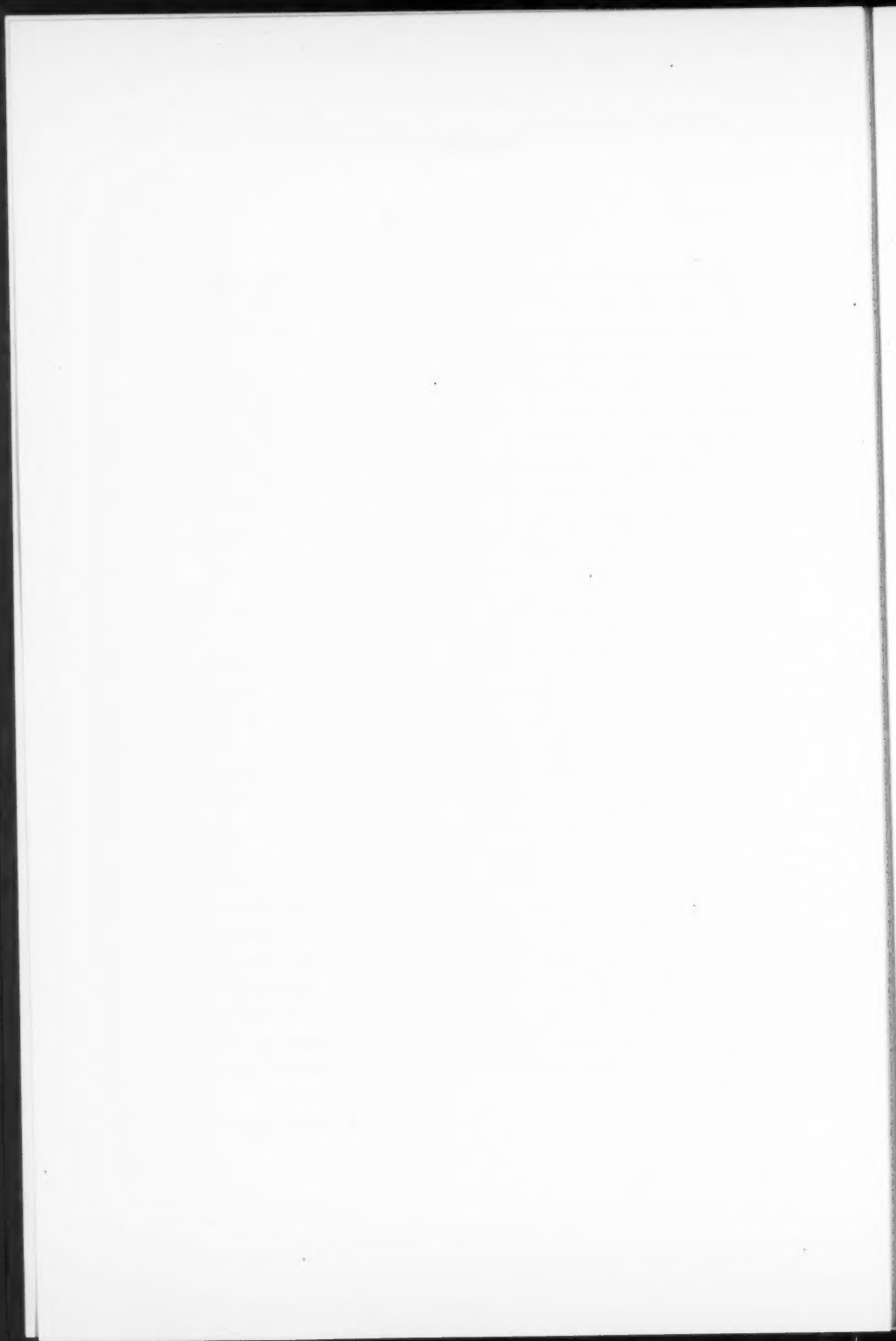


TABLE OF CONTENTS

I. FEDERAL JUSTICE AND THE DELINQUENT

| | | |
|-------------------|---|---|
| J. HOWARD McGRATH | Federal Responsibility for the Youthful Offender | 1 |
|-------------------|---|---|

II. THE JUVENILE COURT AS A COMMUNITY AGENCY

| | | |
|---------------------|---|----|
| JUSTINE WISE POLIER | The Standard Juvenile Court Act, 1949 | 9 |
| ELWOOD F. MELSON | Conserving Family Life through a Specialized Court | 24 |
| CHARLES H. BOSWELL | The Role of a Citizens Advisory Council in a Juvenile Court Pro- gram | 40 |

III. INSTITUTIONAL TREATMENT OF THE DELINQUENT

| | | |
|--------------------|--|-----|
| S. R. SLAVSON | Social Reeducation in an Institu- tional Setting | 50 |
| RICHARD CLENDENEN | After the Training School—What? | 65 |
| ELIZABETH A. BETZ | Release from Training Schools.... | 75 |
| DOROTHY L. BOOK | The Correctional Institution from the Viewpoint of the Social Agency | 89 |
| CHARLES W. LEONARD | Relationship of the Correctional In- stitution to Community Agencies | 101 |

IV. ORGANIZATION OF PROBATION AND PAROLE SERVICES

| | | |
|---------------------|--|-----|
| RANDOLPH E. WISE | Parole Progress | 111 |
| GEORGE G. KILLINGER | The Functions and Responsibilities of Parole Boards | 121 |
| RICHARD T. SMITH | Statewide Organization of Proba- tion Services | 130 |
| RUSSELL G. OSWALD | Professionalizing Services | 139 |

V. PROBATION AND PAROLE CASEWORK

| | | |
|------------------|---|-----|
| GORDON S. JAECK | Separate or Combined Probation and Parole Caseload — Must There Be a Conflict?..... | 146 |
| THOMAS J. MCHUGH | Practical Aspects of Casework in Parole Supervision | 158 |
| ELMER W. REEVES | Probation and the Homeless..... | 170 |

VI. PSYCHOLOGICAL STUDY OF PERSONALITY DEVIATIONS

| | | |
|--------------------|---|-----|
| MELITTA SCHMIDBERG | The Criminal Psychopath | 179 |
| LEO L. ORENSTEIN | The Sex Offender | 195 |
| LOUIS D. COHEN | Psychological Techniques in Pro- bation and Parole Work..... | 203 |

VII. PROBATION AND PAROLE ABROAD

| | | |
|-------------------|------------------------------------|-----|
| ST. ALBAN KITE | Parole Goes to Germany..... | 218 |
| EDMOND FITZGERALD | Probation and Parole in Israel.... | 231 |

VIII. LEGAL DIGEST

| | | |
|-----------|---------------------------------|-----|
| SOL RUBIN | Legislation and Court Decisions | 245 |
|-----------|---------------------------------|-----|

IX. THE NATIONAL PROBATION AND PAROLE ASSOCIATION

| | | |
|--------------------|---|-----|
| WILL C. TURNBLADH | Review of the Year 1949-1950... | 260 |
| LAURENCE G. PAYSON | Treasurer's Report | 281 |
| | Minutes, Meeting of the Professional Council, Atlantic City | 284 |
| | Minutes, Meeting of the Professional Council, St. Louis... | 288 |
| | Minutes, Annual Business Meeting..... | 291 |
| | Officers, Board of Trustees, Staff, Advisory Council on Parole, Western Advisory Council, Midwestern Advisory Council, Professional Council | 295 |
| | By-laws | 304 |
| | Program | 308 |
| | INDEX | 310 |

I FEDERAL JUSTICE AND THE DELINQUENT

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Federal Responsibility for the Youthful Offender

J. HOWARD McGRATH

United States Attorney General

IN these days of stress and turmoil, when the minds of mankind are absorbed with the catastrophic possibilities of violent discord between nations, we are apt to forget many of our domestic problems. Yet it must not be forgotten that the United States can do little to assure the peace of the world if this country itself does not have internal strength; and the prevention and cure of crime is surely an important element in the maintenance of a secure and stable democratic government.

Recent reports disclose that crime has increased across the nation. While the increase is not alarming, and while the reports indicate improvement in some areas, crime is still on the rampage. That is why on February 15 last, I, as Attorney General, called a conference at Washington on organized crime.

You have asked me to discuss the federal responsibility for the youthful offender. I welcome the opportunity to do so, for the problem of the youthful offender is the root of our crime situation. It is common knowledge that 29 per cent of all persons committed to federal prisons last year were from eighteen to twenty-four years of age, and what is most tragic, 70 per cent of these were first offenders.

The typical apprehended criminal is between fourteen and twenty years of age; and over one million

juveniles annually come to the attention of the police in the United States. More portentous still, adults who are arrested are mostly former juvenile delinquents, who as they have matured, have graduated into crimes of a more serious nature. It is not amiss to state, therefore, that the whole crime problem in this country is essentially a youth problem.

It is not only the financial cost of crime—twenty billion dollars a year—which concerns us, but also other costs which cannot possibly be evaluated in money. I refer particularly to the spiritual expense and exhaustion brought to families of criminals and to victims of criminals.

The welfare of our country and the peace of the world depend upon observance of law. Widespread evasion of law spells chaos for our democracy and, resultingly, for the world at large. No better foundation can be laid for a spirit of law observance than through the building of a better youth.

President Truman in his opening remarks to the Attorney General's crime conference in February said:

"Our children are our greatest resources and our greatest assets; the hope of our future and the future of the world. We must not permit the existence of conditions which cause our children to believe that crime is inevitable and normal."

The first steps in the direction indicated by the President must be made by adult citizens. Very frequently it is the general public's attitude toward law obedience which sets the pattern for the youngster. Unfortunately there are too many of us who, except in cases of serious offenses, consider it smart to get away with a violation of law. Youngsters often have only a vague idea of their duties and obligations to society. Youngsters are influenced by the actions of adults. Consequently we must insist on a general public obedience to law and on a general public respect for the organized forces of the law.

Coordination of Resources

Equally important in the struggle against delinquency are the coordination and integration of all the resources available to society for this purpose. To date we have made little progress in this respect. Only five states have set up central bodies to plan and supervise comprehensive programs with reference to delinquency. We must direct our efforts to seeing that all forces are brought to bear in a strategic battle for society in the interest of bringing about and maintaining a morally and spiritually healthy youth. The doctor, the psychologist and the psychiatrist, the sociologist and the social worker, the group and recreational leader, the minister, the educator, and the policeman—all must coordinate and integrate their efforts toward determining the facts which produce juvenile delinquency, and in the light of these facts establish and carry out a sound plan to wipe out conditions that interfere with the happy and constructive development of young people in the home and in the community, and to aid those of our youth who do get into difficulty.

On the preventive side, first and foremost should come improvement of the social and economic conditions of our communities, so as to eliminate the primary causes for juvenile delinquency. Again I quote President Truman's words at the February 15 crime conference:

"Above all, we must recognize that human misery breeds most of our crime. We must wipe out our slums, improve the health of our citizens, and eliminate the inequalities of opportunity which embitter men and women and turn them toward lawlessness. In the long run these programs represent the greatest of our anti-crime measures, and I wish to emphasize particularly equality of opportunity."

The federal government has, out of necessity, assumed to a great extent the responsibility with respect to this aspect of the prevention of delinquency. You are all

familiar with our federal housing program, slum clearance program, and minimum wage, child labor and other economic measures directly affecting our national economy. You know also of our efforts in the closely related civil rights field.

With measures to prevent delinquency there should be also, as I have said, a mobilization of our forces toward helping the youth in difficulty. An important factor in this matter is the juvenile court. In fact, the juvenile court system has been characterized by Roscoe Pound as the most significant advance in the administration of justice since the Magna Charta was signed at Runnymede.

The Juvenile Court

The philosophy of the juvenile court has as its basis personalized justice; and this was a new concept in the field of jurisprudence. It was just fifty-one years ago, on April 14, 1899, that the Illinois legislature passed the first juvenile court act. It was a novel idea to remove a child offender from the ordinary criminal court, designed to administer penal punishment, to a court specially adapted for helping children back to the path of respectable citizenship.

I have been very much interested in juvenile courts, as I have been interested in all juvenile problems. As Governor of the state of Rhode Island, I had opportunity to help establish the operation of its juvenile court system, and I was proud of the manner in which it was administered.

I hasten to say, however, that much remains to be done to improve the efficiency of these courts. Three states—Connecticut, Rhode Island and Utah—have a state juvenile court with a special judiciary. In the other states only two per cent of the counties have full time juvenile court judges, not all of them specially selected for juvenile court work. There is no uniformity of jurisdiction. Courts are not adequately staffed, and per-

sonnel not properly trained. In the years since the founding of the juvenile courts, they have changed in attitudes, skill and effectiveness. But perfection has not yet been achieved; these courts still have to be improved.

There must be improvement in the personnel of the courts. It is important that they all have able judges, who will provide treatment, not punishment, for the delinquent child. Children cannot be held accountable for their behavior on the same basis as adults, for the simple reason that they are not adults. We must have judges who understand this.

A qualified probation and parole officer is an indispensable element of any juvenile court. Upon him devolves much of the responsibility for making the juvenile court function and serve the purposes for which it was established. Yet not every man is cast in the mold of the first probation officer, the lovable John Augustus, the Boston shoemaker of 1841.

One of the most important requirements in combating juvenile delinquency is an intelligent, trained and efficient probation staff. The job of probation officer is a big one. He must replace, in the case of children, the blundering parents who did not understand the child. There must be a sufficient and adequate staff of men and women to do the work. They must be well compensated, and must have security of tenure. The probation staff must be recognized as engaging in an honored profession. To be sure, we must not encourage the glib sentimentalist, and we must be cautious in the administration of our probation system so that youth does not get the idea that it can commit crime and get away with it, but it is the competent probation officer who can best accomplish this.

I am pleased to be able to say that in the field of training of personnel the federal government has taken steps which have been very effective. An institute for jailers, such as the one held in Dallas, Texas in 1948, with its courses on jail administration, is a good ex-

ample of what can be accomplished along these lines. Also, the Administrative Office of the United States Courts has a training program for probation officers which has furthered the knowledge and skill of those charged with carrying out our juvenile as well as our adult parole and probation programs.

What I have said about the probation officer in large part applies to the case worker and to executives engaged in detention work. Detention rightfully occupies a major field in the juvenile delinquency program. I think you will all agree with the general proposition that detention in the case of youth should be protective and not penal in character. We have made much progress in this field, but unfortunately we still have much to be disturbed about. We still have neglect, filth and corruption in our detention facilities. These must be eliminated.

Jail Inspection

It is satisfying to state to you that the federal government is playing a leading role in this struggle. The Federal Bureau of Prisons since its establishment in 1930 has maintained a staff of inspectors whose full time has been given to the visitation and inspection of and report upon conditions found in local jails and workhouses. While the origin of the practice was the necessity of selecting institutions for the boarding of federal prisoners held for trial or on short sentence, the inspection system has developed in a manner to focus official attention on the inadequacies of existing systems.

There is much to be done yet. The Bureau of Prisons, in its latest published report, indicates that of the more than 3000 jails inspected, only 435 were approved for the regular boarding of federal prisoners, and only 365 others for emergency use.

The Bureau has helped in many other respects. We have set forth our views on minimum standards for local jails in a publication by that name issued in 1945. More-

over, the Bureau offers its services in the planning, construction and operation of local penal institutions, and that offer frequently has been accepted. Its services will continue with my full support.

It is pertinent in this connection to observe that in the administration of federal detention institutions I believe we are setting a fine example for the country as a whole. We are proud of our National Training School for Boys in Washington, as well as our newly constructed correctional institution at Englewood, Colorado. We are equally proud of our boys' forestry camp at Natural Bridge, Virginia. In these institutions, the federal officials have strengthened the training and treatment program, have emphasized counseling, and have inaugurated, under the inspiring leadership of my predecessor, sponsorship and group psychotherapy programs which are proving extremely successful. I am particularly impressed by the program of lay sponsors for boys at the National Training School for Boys. The sponsors, outstanding citizens, have become real Big Brothers. They have helped markedly in the preparation of detained youths for the most difficult period—the return to the community. I shall endeavor to do all possible to encourage the expansion of this program.

An agency such as the National Probation and Parole Association deserves the gratitude of all Americans interested in the welfare of our country. From the day of the foundation of your organization in 1907, when a group of probation officers, meeting in Minneapolis with the National Conference of Charities and Corrections, formed the National Probation Officers Association, you have rendered invaluable service to the cause of combating juvenile delinquency.

As Attorney General of the United States, I pledge my full support to your programs, and especially to those pertaining to youthful delinquents. While responsibility for the treatment of persons who are in conflict with the law rests mainly with the local community, I am fully

cognizant that the national government must do its share.

In conclusion I should like to emphasize that above everything else, no juvenile program can be completely effectuated without mobilization of the spiritual forces in our lives. Prevention of crime can best be achieved by the building of character, in the home and in the school, and with the guidance and inspiration of the church.

Our democratic institutions are dear to us. They are a heritage hard won by our ancestors, and ardently defended by them and by our own generation. To preserve this precious heritage for themselves and generations to come, our youth must be spiritually and morally prepared.

II THE JUVENILE COURT AS A COMMUNITY AGENCY

and

The Standard Juvenile Court Act, 1949

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DESPITE the fact that juvenile court history in this country has reached the half century mark, we are in no way prepared to present the ideal blueprint for permanent or unchanging juvenile court legislation or procedure. We are to consider the most recent efforts by a committee of the National Probation and Parole Association to draft a model act embodying the best judgment of our day on policies and procedures. This is the most recent revision of the Standard Juvenile Court Act, first formulated by the United States Children's Bureau and the National Probation Association in 1923, to which not only the Bureau, the Association, the members of the committee, but thousands of men and women in the field have since contributed through their written work, their daily practice and their determination to develop greater understanding and better methods for the care and treatment of neglected and delinquent children.

From the outset of the children's court movement there have been forces and counterforces that have pulled and gnawed at it from many and often conflicting directions. These forces stemmed from legal tradition, differing social philosophies, community attitudes, the state of changing scientific knowledge and its acceptance or rejection in varying degrees, together with the lack of adequate facilities through which philosophy could ever fully be translated into practice and so tested by

experience. Perhaps the best illustration of the effect of such forces is to be found in the continuing conflict concerning the application of the basic concept of the children's court philosophy under which the proper focus of the court's concern is the offender rather than the offense. As the full implications of this concept have required not only more careful study of the whole child, his background, his physical, mental and emotional health, but also treatment directed to meet the individual child's problems, courts and the communities upon which they must rely for adequate staffing, treatment facilities and social sanction have moved forward at a widely varying pace. Massive data clearly establishing the substantial elements of neglect and deprivation preceding and underlying child delinquency have been accumulated over and over again. The ultimate and oft-times inseparable relationship between what is regarded as neglect and as delinquency is constantly discussed. Still the craving for certainty, even where there can be none, has demanded the continuation of tidy definitions of neglect and delinquency, the separation of children on the basis of these definitions for study and for long term treatment of the problems presented rather than on the basis of the totality of the individual child's personality.

The 1943 revision of the Standard Juvenile Court Act broke away from such definitions, jurisdiction being specified in descriptive terms of need, problems and behavior without the benefit or limitation of old labels. The 1949 revision continues the same descriptive rather than definitive classifications. In abandoning the definitions the Standard Act followed the law in effect in six jurisdictions: California, the District of Columbia, Georgia, Michigan, North Dakota and South Dakota. The comment in Section 7 of the revised act notes that "It accords with the philosophy that in dealing with the child as an individual the attempt to classify and label him is unnecessary, sometimes impracticable and often

harmful." It may be observed that the philosophy of individualized treatment inherent in avoidance of the categories requires implementation in other provisions of the law, and more importantly in administration. Not all of the states listed can be said to realize the purpose of uncategorized jurisdiction. Moreover, some of the acts utilized this phraseology at a time when its significance was not clear.

Without going into the detailed provisions of this section, I would like to call attention to the granting of jurisdiction "for the treatment or commitment of a mentally defective or mentally disordered or emotionally disturbed child." In the light of modern knowledge and the problems presented by such children, it surely seems archaic that such treatment can be provided by the children's courts in most states only if jurisdiction has first been secured on the basis of a finding of neglect or delinquency. If the children's court is to be enabled to meet the pressing needs of children and use its authority to provide treatment and preventive help, the old classifications based on the offense by or against the child and the limitation of jurisdiction based on such classifications must yield to enabling legislation which establishes jurisdiction in terms more consonant with the philosophy and purposes of the children's court as proposed in the draft act.

The treatment of unfortunate children in our courts should not continue to depend on local finances or local interest in their welfare alone. As in the field of education the human waste and tragedies that result from such an approach is something this nation cannot continue to afford. It violates the American ideal of opportunity for all children and presents another challenging area in which the gap between American ideals and practice must be closed.

The child whose parents are separated, whose home is neglected, whose parents drink, whose parents are mentally defective or mentally ill, whose remaining par-

ent has become uninterested, neglectful of or hostile to the child, needs as much thought, consideration and help wherever he be found. The problems are the same whether he lives in a city that has a specialized children's court with a well trained and qualified judge, a study home, medical and psychiatric services, substitute foster home or group care facilities, or in a community where the judge, whose general work lies in the criminal field, is without all or most of such essential aids to determine the child's needs and provide for them.

State Courts

The establishment of a broader basis for jurisdiction, financial support, and the provision of adequate facilities to meet the needs of children who require the protection or authoritative treatment of our courts is therefore an essential next step in the development of our law. The alternate to Article I, Section 1 in the revised edition of the Standard Act provides for the establishment in each state of a *state juvenile court* which shall be a court of record. As noted in the illuminating commentary prepared by Francis Hiller, consultant of the National Probation and Parole Association, the perpetuation of the present county system has resulted in the failure to implement the state laws providing for juvenile courts, now on the books of all states, since large areas in most states are still without effective juvenile courts. The Association in its April 1948 resolution on this subject noted that "even when the need for an adequate separate juvenile court is recognized and the desire for its establishment prevails, it is impracticable to set up such courts in rural or less densely populated areas on a county basis, because there is not sufficient volume of work to justify a full time qualified juvenile court judge, probation staff, clerical employees and detention facilities with the attendant financial cost." The importance of establishing state-administered and

financed juvenile court systems organized to operate in larger areas with full time judges, court personnel selected for special qualifications, and adequate facilities for the care and treatment of children can hardly be overestimated. We have long since learned that the education and welfare of children are essentially state functions and the responsibility of the state in which they live. Certainly there is at least equal reason for requiring our states to accept responsibility for the reeducation of delinquent children and the education and welfare of neglected children. Our failure to do so in the past has meant the denial of equal services and opportunities to children even within one state. We have too long accepted study homes for one child, and a detention pen and even jail for another; medical examination and treatment for one child and its denial to another; foster home care for one child and correctional custody for another, without regard for need; adoption into a family able and eager to give one child a loving home, and nothing but institutional care until sixteen with no hope of ever being part of a family to another. And so the story has gone, written neither by good will nor bad will, nor by the needs of the child, but largely by the accident of county residence and the presence or lack of adequate support and child care facilities and personnel.

The Standard Act provides for original jurisdiction over any adult charged with a violation of law which causes a child to become in need of the care and protection of the court, Section 21. At this point I wish only to register concern or misgivings on two scores against the tendency to exercise criminal jurisdiction extensively against adults, who are usually also the parents of the children brought before the court. There is a danger reflected in the handling of such cases that juvenile courts while concerning themselves with the causative factors that have produced the child's problems, are likely to fail to apply the same non-punitive approach to parents and fail to recognize that in a very large

proportion of our cases the parents are physically, emotionally and frequently mentally inadequate and disturbed human beings who, like their children, need help rather than punishment. To satisfy public clamor of the moment we must not permit parents to become the whipping boys, the all-too-easy scapegoats of causative factors of delinquency beyond their control. We must face the fact that disturbed and inadequate human beings cannot be expected to become adequate by the acts of marriage and parenthood. The second score that gives concern lies in the fact that since the adults are also usually the parents there is serious question as to whether study and treatment of maladjusted children can effectively be rendered by the same court that undertakes criminal prosecution and punishment of the parents of these same children.

The draft act (Section 21, Paragraph 2) provides for exclusive original jurisdiction in the case of an adult charged with: a) paternity of a child born out of wedlock; and b) deserting, abandoning or failing to provide support for any child in violation of law. The extension of jurisdiction to cover these areas represents a constructive approach to the problems of children consistent with the positive purposes of the juvenile court. It provides a means through which the court can secure for children the establishment of status and the right of support essential to their security and welfare. The continuance of "bastardy" or "paternity" proceedings in criminal courts is an archaic procedure that deters many mothers from seeking an adjudication in the first instance, and perpetuates the harsh traditions under which the child born out of wedlock was designated as a bastard or as "nobody's child." As a result where this procedure is continued in our criminal courts, one finds that reasonable support in accordance with the father's means, as required under domestic relations court acts for all children born in wedlock, is not the yardstick employed to determine support of such children. Too often

support seems to be a token pittance or at best an amount sufficient to ward off the necessity of welfare assistance. The legal responsibility is too often limited to the finding of paternity and the assessment of financial responsibility in terms of a penalty.

The Standard Act provides that the juvenile court shall have jurisdiction for the adoption of a minor and to terminate parental rights in connection with such proceedings (Section 7, Paragraph 3), and establishes the procedures, including adequate safeguards for the termination of parental rights (Section 23). Some states may have adequate provisions under their adoption and guardianship laws at the present time. However, the continuation of children in one institution after another from the time of birth until they become sixteen or eighteen when they emerge into a world in which they have no family, requires careful reexamination. This is particularly true since there are thousands of American families who are childless and would welcome such children as adopted children in their homes.

We must ask ourselves to what extent the theory of "parental rights" is preventing children from having "parents" or even knowing what it means to be part of a family. I do not have in mind situations where poverty or illness impairs the ability of parents to provide adequate homes. But I do have in mind those situations where children are in fact abandoned by parents, where the only family link is an occasional annual or semi-annual visit by a grandparent or other relative unable or unwilling to provide a home, or where the remaining parent is defective or psychotic and incapable of ever providing a home. It is such children who are moved from foster home to foster home, from institution to institution, feeling, as indeed they have every right to feel, that they are unwanted and belong to no one. They represent our "lost children" for whom our laws and procedures have failed to provide what is essential to every child.

Age Jurisdiction

The Standard Act defines "child" as a person less than eighteen years of age (Section 2). This is in accord with the recommendation of the United States Children's Bureau and of the National Probation and Parole Association and has been adopted for delinquency proceedings in the federal courts. However, both jurisdiction and practice throughout the country vary between and even within states. While the age limit is eighteen or higher in twenty-eight states, parts of four other states and the District of Columbia, it is seventeen in eight states and parts of three other states and sixteen in eight states and parts of four others. In some areas, as in New York City which operates under a law separate and apart from that in the rest of the state, "child" is defined as less than sixteen for the purposes of the children's court. Special procedures have been authorized in the criminal courts for minors sixteen to nineteen under which they may be adjudged "youthful offenders," and in two of the five counties within New York City there are specialized or adolescent courts for minors within this age group. Such a legislative and judicial patchwork approach to juvenile offenders, while motivated by laudable intentions reflects the lack of logic, good planning or a concerted approach to a serious social problem all too typical of our work in this field.

In state after state and within states there has been a sharp difference of opinion as to the proper age limit for jurisdiction. The arguments of the proponents for a minimum of eighteen years stem from the injury to the offender and the community when a boy or girl between sixteen or eighteen is treated as a criminal, detained in jail with adults pending trial, tried on the basis of whether he has or has not committed a specific offense, and is subject to the fixed penalties applicable under criminal statutes. We know that under such a procedure the likelihood of reeducation, or rehabilitation, of

treatment for the youthful offender in terms of his problems and needs as a person is reduced to a minimum, and that exposure to criminal procedure, trial, and sentence can rarely be regarded as within the nature of constructive treatment. In turn the opponents of jurisdiction to eighteen years express the conviction and fear that the juvenile court is not geared to handle the serious offenses of offenders in the sixteen to eighteen year old group, in the light of statistics showing the high proportion of serious crimes committed by them. For some who express this doubt and fear it is only an extension of their continued belief in the necessity of fear and punishment as deterrents in dealing with young and old alike. Others distrust the law and courts as instruments of prevention and treatment. On the part of still another group these doubts when probed reflect an unwillingness to assume the heavy social and financial responsibilities that must be undertaken if the individual offender is to be examined and treated in the light of and with the full aid that modern knowledge and skill can bring to the problems of adjustment and reeducation. One may submit evidence on failure of the use of fear and punishment in deterring crime through the centuries to the first group. One may point with valid proof to accomplishments in preventive law and social treatment to the second group. The answer to the third group, however, depends on whether the community is sufficiently concerned to provide the necessary personnel and facilities to undertake the treatment and rehabilitation of seriously maladjusted and delinquent boys and girls. The referral of such offenders to juvenile courts, even if the judge is enlightened and skilful, can mean nothing unless the court has the power to provide or refer for appropriate treatment. If the court is just another court which must choose between kind words, minimal supervision and no treatment, or placement in institutions where treatment facilities are unavailable, it is better not to mislead the community, the defendant

and his family by employing such words as juvenile court or socialized court to conceal the bankruptcy of community services. On the other hand, as the community develops services and facilities, the court procedure should be in keeping with the advanced social approach. The proposal of the Standard Act (Section 10) that children under eighteen must first be brought to the juvenile court and that children between sixteen and eighteen years of age may be transferred "if the [juvenile] court after full investigation deems it contrary to the best interest of such child or of the public to retain jurisdiction," provides each state with the opportunity of securing appropriate facilities and services for children until they are eighteen, and yet provides the safeguard for child and community where the court cannot provide adequately either the services needed by the child nor the protection to which the community is entitled. This is a realistic and sound approach to a real problem that should allay honest doubts and also spur each state to provide services essential to the rehabilitation and treatment of youthful offenders.

While there is no social or political institution, whether voluntary or governmental, legislative, executive or judicial, whose value is not determined by the ability, integrity and purpose of the men and women who administer it, there is no judicial area in which the calibre and qualities of the judge so directly and fully determine the role of the court in society as in our juvenile courts. In order to protect the privacy of troubled children from prying eyes, newspaper notoriety, and permanent injury as future citizens, these courts are generally closed to the public and the press. Because of the accepted theory that their purpose is to help, re-educate and rehabilitate child and family, many of the constitutional safeguards established to protect defendants in our criminal courts against conviction without adequate proof or without citizen participation by jury trial, and against arbitrary or prejudiced judicial con-

duct have been eliminated. The economic circumstances of the vast majority of children and their families brought before our juvenile courts provide little inducement to the bar to seek clients from this group. And indeed for the most part if the court is properly conducted there is little reason for counsel. In turn, because of the nature of the problem, the court procedure, the absence of counsel during the initial proceedings, the lack of publicity and public interest, the poverty of the vast majority of families, review by appellate courts practically never occurs.

Increasing power over the lives of children and parents subject to the court's jurisdiction has been placed in the hands of judges and their agents, the court staff. Such extensive powers granted to judges and probation officers are subject to abuse, and the responsibility for preventing such abuse rests not alone on the courts but in large part on the community. Experience has shown in every field of human action the persistent danger of corruption and abuse of excessive or even extensive power by any individual over the lives of others. Whether wilful or cynical or rationalized as in the best interest of the persons subject to such power the danger remains. Here as in other fields the bestowal of such power does not automatically bestow either humility or the determination to study how to use the great and ever-changing bodies of knowledge that can deepen insight, extend understanding and make possible better methods to help each child become a wholesome, well adjusted, happy and useful citizen. Lack of background or special education in the physical, social and emotional problems presented by the child before the court, and lack of knowledge of the many disciplines involved in preventive law and treatment are still commonplace among those charged with responsibility for his care. In evaluating attitudes toward new knowledge or knowledge available from disciplines outside the law, one notes repeatedly that those who bring to the work of the court personal concern for chil-

dren, good intellectual endowment and knowledge of related fields are likely to seek more knowledge and face the overwhelming responsibility of their task with the humility essential to growth through experience. One also notes those to whom such power comes as a political reward for unrelated efforts or achievement and who have had little general knowledge or interest in this field are most ready to resist and belittle the value of such knowledge.

In a very real sense the calibre and capacity of court personnel reflect interest and concern of our communities in the welfare of their children. When that concern grows and deepens, law schools will begin to educate students in the field of juvenile delinquency, the social and economic factors that contribute to the problem, and methods for preventive treatment and rehabilitation developed through the various disciplines of education, social work, psychiatry and law. Unfortunately, thus far, recognition by law schools that attention to economic, social and political factors is essential to the teaching of corporate or business problems has not been extended to the teaching of law dealing with human problems. Knowledge of the economic, social and emotional factors in human behavior is still too widely regarded as legal or judicial boondoggling. Teacher training schools must do likewise, if teachers are to recognize incipient problems and handle them more wisely. Schools of social work will have to plan courses to train young men and women for service in juvenile courts and institutions, so that they too will be better equipped to meet the challenging problems presented by neglected, maladjusted and delinquent children. Happily there are signs of progress though it is still slow.

The legislation under which the juvenile courts operate can make two major contributions. Methods of selection of personnel can be developed so that the selection of judges and staff will increasingly be based on merit and removed from political patronage. This is a

minimal safeguard to protect children from the misuse or non-use of the broad powers that have been given to our children's courts. Legislation can perhaps even develop a method of selection in which consideration will be given to knowledge, capacity, and the will to learn and employ the skills available from other fields. Such selection would be more than a safeguard, it would provide a spur, an incentive to more adequate preparation.

While no list of qualifications can be devised by legislative prescription under which ideal judges can be secured, I believe that the proposed alternate for Section 3 providing for appointment presents an interesting approach to this perennial problem. This section provides that juvenile court judges shall be appointed by the governor from a list submitted by a panel of nine members, one selected by the governor or the highest state court, two by the organized bar, two each by the state departments of public welfare, education, and mental hygiene. It provides that the persons whose names are submitted by this panel shall be lawyers selected with reference to their experience in and understanding of problems of family and child welfare, juvenile delinquency and community organization.

It would be politically naive to hope that any legislation can assure selection of the ablest and best person available for any office. However, the fixing of public responsibility on groups responsible for the administration of law, education, welfare and mental hygiene and on the governor to select judges from their list would, I believe, put emphasis on demonstrated fitness in the selection of judges for this highly specialized field. Such a procedure would be equally applicable if appointments are entrusted to the mayors of large cities.

While the knowledge, integrity and breadth of vision of the judge will inevitably play a significant part in determining the role of the court in any community, the effectiveness of its work will depend in a major part on the integrity and qualifications of its entire staff. It is

therefore of utmost significance that the choice of staff, including referees where they are employed, shall be on the basis of competitive examinations as provided in Sections 4 and 5 of the Standard Act. As noted in the comment:

Under proper conditions the competitive examination has proved to be invaluable in establishing the court as a specialized agency requiring for its staff, training, skill, character and freedom from interference by partisan politics. . . . Tenure of office under civil service rules has sometimes resulted in the retention of employees who have become relatively incompetent, but this disadvantage is more than offset by the attraction of tenure rules to competent applicants who wish to make social work in the courts a career and who would not enter the service if they were liable to discharge without cause at the next turn of the political wheel.

Without spending time on those provisions which deal with the procedural initiation of children's court cases (Sections 11, 12, 13, 14), I believe we should consider certain sections which deal with the handling of children when first taken into custody and during the hearing process. The provisions (Section 15) which state that taking the child into custody shall not be termed an arrest, the limiting of detention to two days unless a court order is signed, the prohibition against the use of police vehicles, fingerprints, photographs, or mingling of children's records with general police records, and finally the prohibition against detention of a child in any police station, jail or prison, are procedural in form but get across the meaning of the children's court to the child, the court and the community. They provide negative protection against criminal procedures so antithetical to the purposes of the court as to threaten the hope of constructive care and treatment. However, we must acknowledge that the evil practice of detaining children in jail still persists, and that legislative action is needed in many areas to compel communities to find appropriate substitutes through foster care and group care units (Section 16).

The provisions already discussed determine the framework within which the juvenile court shall function. The basis for the positive aspects of the role of the court is in those sections which determine what a court may do when it once has jurisdiction. In the Standard Act (Section 18) it is made clear that the court shall through its probation staff direct its efforts "to the discovery and correction of the basic cause of maladjustment and to the development of the child's personality and character with the aid of the social resources of the community." Such resources include diagnostic and treatment services in hospitals, clinics or child care institutions, probationary services administered "not as punishment but as a measure for the protection, guidance and wellbeing of the child and his family," placement of the child in a foster home or group care institution in accordance with the needs of the individual child, the use of diagnostic and treatment services by physician, psychologist or psychiatrist, and direction for such other care and treatment as the court may deem best. These broad discretionary powers provide the basis on which a children's court may fulfill its obligation to consider the offender rather than the offense, and once having taken jurisdiction, to employ authority to secure for the child such care and treatment as is most likely to help the child.

The Standard Act thus fixes a goal, and presents a challenge. The full significance of legislation directed toward this goal will be determined by the extent to which the laws are administered by judges and staff in accordance with the spirit of such laws. This in turn will depend on the extent to which the citizens of each state are concerned in achieving the goal and are determined to secure both adequate services to make it possible and court personnel dedicated to translating the ideal into a reality.

Conserving Family Life through a Specialized Court

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SOME specialized courts appear to have a far greater measure of success in conserving family life than do others with about the same jurisdiction and opportunity, a difference which lies rather in the quality than in the sincerity of the court's effort. It is measured in the main by the difference in training and in the court's use of its social service department, the probation staff.

There are many reasons why more such courts do not have better trained probation staffs, among them:

- 1) Lack of community awareness of the value of a properly operated specialized court;
- 2) Political interference in the appointment of probation officers;
- 3) A tendency in the judges to be guided almost wholly by legalistic rather than sociological principles;
- 4) Lack of awareness in the judge of the value of professional social work standards to his court, coupled often with hostility against trained workers in his court because he feels threatened by them;
- 5) Failure on the part of some judges who do have professionally trained probation staffs to use them properly;
- 6) An unwillingness amounting often to an inability on the part of the judge to submerge his prerogatives, and his failure to view his court as a joint enterprise with his probation staff. Instead of this there is too often a tendency in the judge to indulge in the magnificent obsession (should I say

delusion?) that he is King of Kings and Lord of Lords in his court, and that he alone will decide the matter at hand and every detail thereof;

- 7) Refusal on the part of professionally trained social workers to put up with this foolish self-deification.

I have therefore decided that I can serve no better purpose in this paper than: 1) to state unequivocally my conviction, based on experience, of the overwhelmingly superior value of professionally trained social workers for the probation staff in a specialized court; 2) to voice my hope that more judges may see the light and that more social workers may understand and be willing to probe the dark; and 3) to delineate the use of a trained staff which if followed would, I firmly believe, make for a far more effective conservation of family life.

In this statement therefore I shall try to set forth without any attempt to appear scientific or erudite, some of my ideas concerning the place of social work standards in the structure, function and operation of a family court which has jurisdiction over all complaints by one member of a family against another, and over all juveniles; and the proper use of such standards in determining the criteria for and the content of probation supervision.

A family court, which is the type of specialized court in which I serve, is essentially a criminal court having limited equity powers and it must operate within the scope of its charter, and must keep within the limits of the Constitution of the United States and of the constitution and laws of the state which created it. That these limitations be kept in mind is vitally important.

I have heard the family court referred to as "a socialized court," but as I see it, the idea of a court as a social institution is not a new one. From the "time whereof the memory of man runneth not to the contrary," to quote Blackstone, there have been tribunals of some sort established by sovereign authority, which were or are em-

powered a) to hear disputes between man and man, and between the tribe (now the state) and man; b) to render a judgment in accordance with the prevailing concepts of justice; c) and to enforce this judgment by whatever means custom sanctioned.

The justice (I use this word with reservation) which these tribunals have for thousands of years dispensed has never, at least theoretically, been based on the whim of the tribunal, but rather on the concepts and the customs of the tribe (now the state) representing society. In this respect these tribunals have always been social agencies.

In our civilization these tribunals are called courts and those who compose them are judges. Those courts which hear exclusively disputes between man and man, in which the state has no particular concern, are civil courts. Those which hear exclusively cases wherein the state alleges that a certain individual has violated an essential social custom are criminal courts. These social customs, the observance of which is deemed essential by the state, whether written or unwritten, are known collectively as the criminal law.

Throughout the centuries the criminal law has prescribed both what the individual must do and what he must not do in order that society may be protected and preserved, and has also prescribed the treatment to be accorded the individual who refuses to conform to these essential customs.

While for ages this treatment was either death or banishment from the tribe, which in primeval society amounted to about the same thing, more recently the deprivation of personal liberty has been in many cases substituted, and still more recently the forfeiture of property as the result of the imposition of a fine has been considered effective. But whether the treatment, known as punishment, accorded to the offending individual is death, banishment, imprisonment or a fine, the theory underlying it is the same—namely, that punish-

ment is a sufficient deterrent for crime, hence a sufficient protector and preserver of society.

Lawyers have always believed in and relied on the infallibility of this theory that punishment is a sufficient deterrent for crime. To make matters worse, the lawyers and the judges, all of whom were lawyers before they became judges, have been able to induce almost everybody else to believe in and rely on this theory.

The professional social worker, however, and the family court judge, both of whom have had occasion to come to grips with this social struggle called crime, who have studied at close range its causes, its effects and its recidivistic tendencies, and have tested this punishment theory in the crucible of experience, know better. They know that the statement that punishment is a sufficient deterrent for crime is just not so.

Still it must in all candor be admitted that the punishment theory at first blush sounds logical. Who for instance would believe that I, having seen my fellow man executed for committing murder, and knowing full well that the same fate awaited me if I did, would ever be so foolhardy as to commit murder? Doesn't that sound logical? Or having withstood the personality-rotting environment of the average prison for the commission of some crime, who would ever imagine that I would be simple enough, at the glorious expiration of my term, to go right out and commit the same crime over again? Sounds ridiculous, doesn't it?

Statistics are against the lawyer's conviction, for statistics show that the number of crimes committed, the annual property loss, the cost to the state in prosecution, the number of persons engaged in it, and the number of persons engaged in trying to contain it, all are definitely on the increase. So it seems fairly clear that the chief difficulty with this plain, sensible, logical theory that punishment is a sufficient deterrent for crime is that it doesn't work.

Consequently, informed and courageous courts, in their

desire to prevent crime and hence to preserve society, have of recent years been searching for something other than or in addition to punishment. These courts have discovered that a change must occur in the offender's attitude before any lasting change is going to characterize his conduct. These courts are painfully aware as the result of frustrating experiences that neither threats, fear, exhortation, intimidation, imprisonment, nor any force or power under heaven applied externally will change the attitude of the social offender. But the offender himself can be helped by the skilful use of respect and concern and humane understanding to formulate a more healthy positive attitude toward his problems. It is the offender who must change his own attitude, if it is ever to be changed, and he *can* change it.

Then why doesn't he change it? Does he want to be forever at odds with his family and with society? Not at all. The problem before the court in most cases is not so much a lack of desire on the part of the offender for reconciliation, as his unwillingness, amounting often to a psychological block, to agree on *terms* of reconciliation which will also be acceptable to his family and to society. Society has a stake in this matter and is entitled to have a representative at the conference table, a representative with a double duty: to insist on terms of reconciliation which are acceptable to society; and to help the offender to understand and to accept these terms.

It is at this exact point that the informed and courageous court turns to the skilled social worker for that representation of society and that help for the offender. For the moment, let us call these skilled social workers probation officers, and this representation and help, probation.

Before we get into the matter of probation, however, let me tell you about another concept of justice which the lawyer holds sacred. It is that "The law is no respecter of persons. Every man stands equal before the law. Justice, above everything, must be impartial." In

practice this means that the same punishment must be meted out to every offender for the same offense.

To accomplish this aim, the goddess of justice, as engraved in the lawyer's mind and in granite over the courthouse door, is blindfolded, and further, the scales which she holds in her hands are exactly balanced. I once held this concept of justice. I honestly believed that no other concept would be fair. Although I confess that at times I have secretly wondered how the dignified lady could be sure that her scales were evenly balanced if she couldn't see.

The idea back of the blindfold principle was that the judge must not concern himself with the economic status nor the social standing of the offender, lest he be overwhelmed by riches or greatness. Whatever may have been the propriety of the blindfold principle in medieval England, where royalty and rank were held in awe by the commoner, there was much less basis for its application in early America, where there was neither royalty, rank nor awe; and with the coming of the industrial age, with its gross inequities in economic advantage and social opportunity, there is no justification whatsoever for its continuance in our courts today.

Tradition however changes slowly, and the tradition of the law, of all known traditions, changes most slowly; hence this tradition of the judge refusing to be informed to any degree about the status of the offender existed for centuries in the English-American courts until one memorable day some fifty years ago. Then it was that the American Bar Association (may Allah be praised) pressured from within by a vehement minority of socially conscious lawyers (there are such things, really) and from without by students of sociology finally, after great soul searching and mountainous labor, brought forth a recommendation that the blindfold be slightly raised from one corner of one eye of the goddess, so that she might be enabled to see that the defendant before her, duly charged with malicious crime, was only a

little, lonesome, frightened child. The juvenile court was then and there conceived.

For thirty-four years New Castle county in Delaware had the benefit of such a court. In 1945 however it finally became evident to the people of that county that a juvenile court cannot effectively work with a child as an isolated unit, for the very simple reason that a child does not live as an isolated unit, but is a part and parcel of his family environment. So quite logically these people proceeded to establish the family court, with the jurisdiction already mentioned.

This court, of which I had become judge, braving the maledictions of traditionalists, proceeded forthwith to remove the blindfold altogether, to take a good look at the offender, adult or juvenile. The goddess, with a woman's customary boldness, thereupon complained that her arm was tired from holding up her scales. Furthermore, they obstructed somewhat her new-found vision, so this court, casting all caution to the winds, laid her scales aside with her bandage.

No longer is there any attempt in this court to weigh one offender or one judgment against another. The offender, adult or juvenile, and all of the factors that have made him what he is, together with the members of his family, and their interrelationships each with the others, are examined minutely with the most modern scientific social microscopes and x-rays available. Then, in the light of all the discoverable facts and having regard to the offender's resources and liabilities, a disposition is formulated with which he, not you nor I, but he, might reasonably be expected to substantially comply. This we call individualized justice, and we believe that it is an improvement over the traditional blind and so-called equal variety.

Now I am willing to concede without argument that if not more, let us say, than one case per week came into the court, and if the judge worked day and night, and if he were, in addition to being a lawyer, an anthro-

pologist, a criminologist, a sociologist, a psychologist, a psychiatrist, and a skilled social worker, and if he were able to be in the court and all over the county at the same time, he might conceivably do the entire job himself.

However, since at least in the city courts, the cases come in by the thousand, and since, like me, most judges are trained only in the law and do not have all these other qualifications and do not possess superior, much less infinite wisdom, it seems fairly evident they need help.

What kind of help? Who will receive these miserably unhappy and often seriously disturbed people? Who will decide whether the matter is trivial and might properly be dismissed, or whether some further though slight help of the court is needed, or whether a long-continuing service, involving perhaps many processes of the court, is indicated? Who will separate the facts from the fancies in their life stories? Who will weigh the merits and the demerits of the statements of the various members of the family, and sometimes of the neighbors; and sift the wheat from the chaff of their stories? Who will assay the factors that have made them what they are? Who will decide how their fears and insecurities shall be allayed? Or how they shall be helped with their immature thinking and conduct? Or how their bitterness shall be assuaged? Who will determine how their selfishness, their self-pity, their self-centeredness, their hatreds, their jealousies and envies, their spite, in short, their negative attitudes, may be expressed, recognized, softened and controlled?

In short, who will help them to face and to solve their problems? Who will advise the judge (the symbol of the ultimate authority under which all of us must carry on acceptably) as to all of these matters? Who will help him formulate a sane, sensible and workable decision? And who will undertake to see that this decision, if it be probation, is accepted and reasonably carried out by the offender?

The questions answer themselves, don't they? Any

judge who honestly expects to have these duties capably performed by other than professionally trained social workers acting as probation officers is not only highly optimistic but, in my opinion, rather naive.

What is the proper place for professional social work standards in the structure, function and operation of a family court? This is my answer: all cases in a family court should be channeled through the probation staff to the judge rather than be heard first by the judge and by him referred to the staff.

In my court certain probation officers hold preliminary interviews on complaints made directly to the court and on cases originating by police arrest. Upon this intake unit rests the responsibility for beginning individualized action. Specifically it is their task to consider the offense in terms of facts and of its meaning to those involved. Out of this consideration must come a responsible recommendation to the judge as to appropriate action.

The intake officer should decide and recommend, for example, whether the case might best be retired at once, whether it is of such gravity and urgency that it should go immediately before the judge, whether it should be held in intake for a service which, hopefully, can be concluded in two or three interviews, or whether it should be referred to other probation officers (known collectively in my court as field staff) for study and investigation, or other continuing service. All of these officers should be professionally trained and working under accredited supervision.

The probation officer should if possible in those cases where there is going to be a court hearing, personally submit his written report and recommendations to the judge beforehand. He should explain to the judge, if asked, the whys and wherefores thereof, and should feel perfectly free at any point to give the judge orally the further benefit of his findings and of his feelings in the matter.

If at such a hearing, a divergence of opinion should develop between the judge and probation officer as to the disposition recommended, the judge should immediately, in private conference with the probation officer and his supervisor, discuss the matter fully in an attempt to reach agreement. If this process be pursued faithfully and consistently, the net effect will be that the probation staff, having first tapped and skilfully used all of the community's diagnostic and therapeutic social resources, will together with the judge form a smoothly working team whose composite judgment, while not infallible, will nevertheless be as nearly perfect and as constructively helpful to the family involved as it is possible for any decision to be in the intricate matter of human relations. Thus the professionally trained probation officer should be a part and parcel of every portion of the structure, every phase of the function, and every item of the operation of a specialized court.

The concept that the judge alone is the court must be changed. The community must understand that the social work staff is a part of all the proceedings and processes of the court, including its authority. Then and only then will a specialized court, in its structure, its function and its operation effectively conserve families and consequently truly serve society.

A word about probation and the part social work standards should play in determining the criteria for probation.

Let me say at this point that there is a portion, I personally believe about one-third, of all the people who come voluntarily or involuntarily into the court, who either cannot or will not use probation as I shall define it. To them, therefore, the services of a probation officer are of little value. Hence these people should not be placed on probation. They simply clutter up the records and waste the time of the worker that could more profitably be used for someone who is helpable. But they are constantly being placed on probation by nearly every

criminal court in the land. To what avail? None, except failure on the part of the probationer and angry disgust on the part of the judge. The very theory of probation thereby unjustly receives a black eye. Why does this condition persist?

The reason is that in many courts no competent attempt is being made to determine whether the criteria for the reasonably probable success of probation are met in the offender and his environment. Some of these offenders simply do not have sense enough to grasp the significance of probation as a helping process to be applied to them. Obviously, probation, except in a very limited form, is not for them. Another group are unable to use probation because they are too emotionally distraught, too confused, just too mixed up to get anything out of it. Some of this group however can profitably use psychotherapy.

Another group are those, mostly children, who are unable to profit from probation because of the terrific deviant pressures in their environment; and despite his most capable and persistent efforts, the probation officer is unable to bring about a change in the environment. In this type of case if there can be no change *in* the present environment, then let there be a change *of* environment. This offender may need probation and may be able in a different setting to use it.

Finally, there are those who do not want and will not accept help because they have no desire to change. They are satisfied with the way they are, and it's just plain foolishness to press on them help directed toward effecting a change. There may be other types of persons unable to profitably use probation, but the foregoing will serve to illustrate my point.

The field staff of my court are not burdened with this type of probationer because the intake staff, having discovered their deficiencies, recommend some other type of restraint on their antisocial conduct. Who is most likely to spot a crippling lack of intelligence or deep-

rooted emotional instability, or overpowering environmental pressures, or a deadly disinterest in becoming different? Would it be more likely to be the judge in a ten minute hearing, or would it be a skilled and trained probation staff, using any type of medical examination indicated, and holding many interviews with the offender and the members of his family in the process of making a thorough study and investigation? What do you think?

In the technical matter of establishing the relationship of the social worker and the offender, the judge should give earnest consideration to the probation officer's recommendation. Conceivably the hearing may develop facts, factors and feelings hitherto unknown to the probation officer which would indicate to the judge a probably successful probation period; but even in that event the probation officer should agree, without pressure from the judge, to accept supervision of the offender. If this simple rule were followed in our courts, probation would become a much more effective remedy than it now is. The part of the professionally trained worker in determining the criteria for probation is hardly a part at all—it is more nearly *the whole*.

Content of Probation

I would define probation as a legal status selectively imposed by authority of the court on an offender who, as a result of a study made of him, his situation and his attitude by skilled technicians, has been predetermined as able to use the services of probation profitably and as willing to try.

While this legal status attaches to the probationer he must: first, agree with his supervisor on a schedule of interviews and a definite arrangement of time within which, with the help of his probation officer (I personally prefer the title probation counselor) he may arrive at a better understanding of himself and of his problems; and second, demonstrate such change in his attitude and

behavior as will lead the court to believe that he can and will live acceptably in his community without further court supervision.

This concept of probation, with particular reference to the emphatic insistence by the court that the services incident to probation shall be directed toward a meaningful experience for the offender in which the probation officer plays a skilled and vigorous part, is vastly different from what probation formerly was in our county. There for thirty years probation was like this:

A fifteen year old boy was before His Omniscient Honor, the judge. Everyone knew that the judge was only an ordinary practicing lawyer before his appointment, but following that event a metamorphosis has somehow taken place. Many people believed, including the judge himself, that he had somehow become imbued and endued with vast knowledge and supernatural wisdom exceeding even that of Solomon. All he needed to do was just look at this boy, talk to him for perhaps five minutes, and he would know exactly what to do with him. Wonderful, wasn't it?

Now this boy had a dull eye and a blank face, but no one had felt the necessity of a psychological test. True, he had been before the court at thirteen for truancy, but the facts that he had failed to be promoted twice in a row and that he was six inches taller than anyone else in his class were not known to or inquired about by the judge.

The record (they actually kept one of sorts) showed that he had been back in court at fourteen for running away from home (what a misnomer). This boy, together with six brothers and sisters, lived—existed is a better word—in a hovel with a drunken brute they called father. The mother was dead and a sixteen year old sister was "looking after the kids." The only woman who visited them was a dirty, disreputable female, whom the father, during his more hilarious alcoholic sprees, would drag in for various and sundry purposes, none of

which included cooking, cleaning, washing, ironing or clothes mending.

But the judge knew nothing of all this; he had no professionally trained social workers around him. He didn't need them, he didn't want them, and what's more, he wasn't going to have them. So he smiled benignly and remembered aloud that he himself had once thought about running away in his youth. "Boys will be boys, you know."

Just three months before, this boy had been in court on a charge of stealing a revolver. Everyone believed he had taken it since the evidence pointed powerfully his way, but he denied it. No one saw him take it and the revolver was never found so the case was dismissed, but only after a most terrific dressing down by the judge. "That should settle that kid's hash," said the court clerk.

And now three short months later, here he was again, charged with breaking and entering, and stealing \$20. This time the police, suspiciously eyeing the judge's methods, had eased a confession out of him, had fingerprinted him, and had taken a full face and a profile picture for the rogues' gallery. This procedure had required five days, during which the kid had been lodged in the city jail.

But the judge, having had a good breakfast, believing in brotherhood, and being moved by the boy's tearful recital of the methods the police used on him, and by his protestations that he had learned his lesson and never, never would do such a thing again, placed him on probation. His probation officer, a gentle old lady, had (in common with the other probation officers of the court) three qualifications: 1) she was the relative of a local politician; 2) she observed, reasonably acceptably, the outward conventions of organized religion; and 3) she was fat. They were always fat. If she wasn't fat when she was employed, she got fat sitting on that big, soft armchair cushion.

So in due time this boy came in to report. She looked

at his probation card which he was required to bring with him, and read his name and said:

"Good morning, Johnnie."

"Mornin."

"Are you being a good boy?"

"Sure."

"Do you mind your mother?"

"Sure." He felt that it was perhaps safer and certainly it was briefer to answer in the affirmative than to inform her that he had no mother.

"Do you go to school?"

"Sure."

"Do you go to Sunday school?"

"Sure."

"Are you going to continue being a good boy?"

"Sure."

She thereupon punched his probation card, using her own special hand punch, the design of which was different from that of any other probation officer. So Johnnie had reported; and that was probation for thirty years in one court. And I seriously fear that some variation of it is still probation in far too many courts in our fair land as of this very day. But that isn't probation in the Family Court for New Castle county any more. Probation there involves a positive, not a negative experience for the offender.

I am willing to admit that the services inherent in probation consist to some extent of restriction and regulation. But these play relatively minor roles in probation services as they should be, and the part they do play is a positive one. Education is ahead of regulation in order of importance, and stimulation is ahead of both.

I have seen confused, unhappy children become adjusted and happy; the lives and looks of miserable and discouraged wives brighten; and weary, hopeless alcoholics take courage as a result of this new probation. It is positive and if the right criteria are present, it is dynamic.

It is the responsibility of the specialized court to forever search for the proper helping formula in any given case and having found it, to apply it and to continue to apply it with consummate skill and infinite patience. We must not be discouraged by either criticism or failure. We must never, never give up in our desire or our efforts to help our confused and often disconsolate brothers and sisters with the problems which overwhelm them, for along with Fannie Crosby, I believe with all my soul that

Deep in the human heart
Crushed by frustration,
Feelings lie buried that love can restore;
Touched by an understanding hand,
Wakened by kindness,
Chords that were broken will vibrate once more.

The Role of a Citizens Advisory Council in a Juvenile Court Program

CHARLES H. BOSWELL

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Juvenile Court of Marion County, Indianapolis

THE role of a citizens' group in the development of a juvenile court program is an important one if the needs of children coming within the jurisdiction of the court are to be met. Now that social work has been elevated to a profession, the doors of our juvenile courts have often been closed to interested citizens who want to help us develop and refine our program. In emphasizing scientific methods in our work, we must not forget that our probation departments and courts exist to serve the community and that paid staff members are the employees of those who pay the bills. Unfortunately, many of our courts and public agencies have tried to solve their problems alone. The bitter experience of some communities where good judges were voted out of office and competent personnel displaced by partisan political workers are clear examples of how a court invites failure if it attempts to function without general public sanction and approval. It has been proven that this failure can be prevented by opening the doors of the court to enlightened citizens interested in its welfare.

Any organization in the correctional field which has as its aim improvement of professional competence in treating clients, must rely heavily upon civic groups in the community. Of course, not just any citizen, or any group of citizens can be helpful, and it must be clearly determined that any citizen asked to participate in a plan of program development must himself have a feeling of personal responsibility. He must be moved to action by something within himself. He must have what Quakers call "a concern"—or what the military people de-

scribe as a "call to duty." It is almost impossible to enlist citizens when this feeling of individual responsibility to society is lacking. However, we should remember that responsibility is created and grows as citizens participate.

Before I describe for you the experiences the Indianapolis juvenile court has had with its Citizens Advisory Council, I want to stress the fact that all professions functioning under democratic conditions will remain close to democratic ideals and practices if they make proper use of citizen participation. Two years ago at the National Conference of Social Work, Eduard C. Lindeman, discussing the subject of democracy and social work told us that—

. . . Despotism is despotism, no matter from what source it comes, and the expert who tyrannizes his clients degrades democracy. In a democracy, power must always be tempered, must never become absolute or too highly centralized. Experts and the experiences of the people need to be brought into working harmony; only thus can there be established an integral relation between science and democracy. In other words, when science is called upon to serve a democratic people by means of technical skills, the carriers of these skills cannot continue to operate as authoritarians. They too must become democratized. But the process does not end here; the agencies and institutions which employ skilled personnel must also be brought within the pattern of democracy. This democratizing process can become effective only when technicians march forward to their tasks with citizens at their side. Some professions may be able to produce with a relatively high degree of acceptance without citizen participation, but social work is the one profession which cannot afford to go on alone.

This advice is timely. Dr. Lindeman would have us forget the false conception that volunteers are appropriate only to the operation of private or volunteer agencies. An advisory council is an answer to the mounting complaints about our growing bureaucracy. One way of avoiding bureaucratic tendencies is to attach citizens to the policy-making branches of all public services. This does not mean of course that citizens will decide

cases for judges and carry caseloads for probation officers. However, the citizen participant can help the practitioner to understand the community's needs and can interpret the work of the court and its needs to the community. This two-way process is one of the ways in which democracy keeps itself free from dominance either by officials or technicians.

It is necessary to point out that the task of developing strong community participation in court work and planning involving all major community interests and points of view, is one of the most difficult jobs in professional social work today, but the difficulties involved offer no excuse for not doing the job. A variety of community forces, conservative and liberal, radical and reactionary, are knocking at our doors and it might be well to open the door and admit some of them lest the door be kicked off its hinges. Regardless of the validity of the specific service we now perform, our programs are in grave danger unless we arrange for the participation of interested citizens.

The Marion County Juvenile Court, located in Indianapolis, has opened its doors to interested citizens. This was done early in 1947, shortly after Judge Joseph O. Hoffmann took office. The results have often been breathtaking as we have discovered the great capacity that many people have for assisting us to improve our program. Judge Hoffmann's election resulted from the efforts of over six hundred citizens who formed a committee to see that each major political party nominated a qualified candidate for the juvenile court judgeship. Following the election and before he took office Judge Hoffmann realized that his court would function more successfully if he could have the continued aid of enlightened citizens. He selected ten leaders from the large bipartisan group that had been responsible for his election, to serve as a nucleus in organizing the Citizens Advisory Council.

I do want to make this point clear—it would never

be wise to press locally elected officials to appoint an advisory council if they are opposed to such a plan. You can easily see that better results will be achieved if such councils are organized after the elected officials are convinced that they have something to contribute. The initial effort, therefore, may be in the direction of persuading the responsible elected authority that some benefit may accrue from the appointment of a lay advisory group. There is no reason why this question cannot be brought to the attention of the appointing authority by the chief probation officer or by the person in charge of the social work program. In a correctional agency responsible to an elected official, usually the appointment of an advisory group can be brought about if the official can be helped to see that a certain problem can be solved or a job can be done more efficiently by enlisting such aid. To suggest this solely on the grounds of its theoretical desirability could not be expected to inspire the appointing authorities with enthusiasm. It is good strategy to wait until there is a definite problem which an advisory group might be able to solve.

Our judge saw clearly the problems he faced in taking over the important post as juvenile court judge of a large metropolitan district. He did not want to dominate the council and he exercised considerable care in seeing that it developed and worked in a democratic fashion. The nucleus group which the judge appointed was given his permission to add additional members. Thus membership has gradually increased from ten to fifty during the past three years. Care was exercised in selection. Most of the important elements of our population are now represented, such as organized labor, the press, business clubs such as the Chamber of Commerce, certain public officials including the head of the juvenile aid division of the police department and the head of the social service department of the public schools, minority racial and religious groups, women's organizations such as the League of Women Voters and the Business

and Professional Women's Club, the American Legion, service groups such as Kiwanis, Optimists, Exchange Club, Masons etc., and the various professions.

Ingenuity, leadership and initiative are necessary to utilize fully the capacities of this kind of group. Of course the functions of a council in any community would have to be defined by the power that appoints. In almost any case a committee could give advice relative to difficult cases, help in the formulation of policies, and assist in interpreting the program to the public. In a sense the collective opinion of such a group is a miniature poll of public opinion. In the beginning our Advisory Council usually expressed itself only on those questions concerning which its opinion was sought. Later, after a period of successful operation, the council volunteered wise suggestions concerning policies which it had studied and discussed.

Our judge was wise in delegating to them the responsibility of selecting personnel to fill the probation and referee positions. No person has been appointed as a professional member of the staff whose qualifications have not been studied and approved by the personnel subcommittee of the council. This procedure has resulted in relief for the judge from partisan pressures, and since the method has been widely publicized, the confidence of the general public in the judge and the juvenile court has increased by leaps and bounds.

Another by-product of the work of the personnel subcommittee has been a scholarship plan. This committee, in its first few months of operation, learned that there was an acute shortage of trained social workers in Indiana. Therefore the chairman reported to the entire council that it was imperative to embark upon a scholarship program if they expected qualified workers to be employed by the court. By this time the council was convinced that training in a graduate school of social work prior to employment as a probation officer was highly desirable. The present plan provides two scholar-

ships annually for promising college graduates who desire to enter Indiana University Division of Social Service for two years graduate training. One scholarship amounts to \$1200 a year, the other to \$800. Upon completion of training, the student is committed to employment at the juvenile court for a period equal to that financed by the council. The funds are raised from private sources. Another subcommittee is responsible for the fund raising. As a result of this plan, each year there are two carefully selected students who, having completed graduate training, are available to fill the vacancies that occur on the court staff.

Since the perennial question that confronts most courts and public agencies is the matter of adequate financing, a budget committee was selected by the chairman. This committee's study of the budgets for the court and the detention home (which we call the Juvenile Center) revealed that they were inadequate. After the needs of the court and the center were determined, the budget committee sat down with the judge to draw up adequate budgets. Committee members then took the revised budgets to the taxpayers organizations, the managing editors of the newspapers, and other interested organizations to secure their approval and backing for the new requests. Their success in this endeavor is evidenced by this quotation taken from an editorial which appeared in Indiana's largest daily:

Doubtless there are many governmental agencies whose budgets could be cut at a considerable saving to taxpayers, but the juvenile court is not one of them. The best argument for approval of the budget is the fact that it has been approved by the Juvenile Court Advisory Council, a group of responsible Marion county citizens. As taxpayers, naturally none of them is eager to see a budget increase. But as citizens and parents they know that a few dollars spent now may save the future of a child, as well as prevent the incalculable cost of dealing with him, and many others, as adult offenders.

Since the formation of the Advisory Council, every

budget submitted by the judge has received editorial support from the large Indianapolis dailies and has met no opposition from the taxpayers organizations.

The first time the council assisted the court to obtain an adequate budget, another Indianapolis daily, the morning paper with the largest circulation in Indiana, stated in an editorial entitled "Juvenile Court Needs Help":

How much is it worth to the people of Marion county to turn our problem children into mature and useful citizens? How much is it worth to keep our juvenile delinquents out of jail, to help them become adjusted to community life? The Marion county appropriating body is being asked this question through the request made by the juvenile court for an additional \$8200 to improve the probation services of the court. We can't afford to cut corners in the prevention and correction of juvenile crime. Delinquency has increased steadily during the past year. To meet the challenge and the responsibility that these misled and potentially dangerous youngsters present, we must have people of outstanding ability, character and enthusiasm. It is no easy job to lead a young boy or girl back on the right path once they start a career of crime or self-degradation.

Sympathy, understanding, and patience are needed. Only devoted, contented and trained probation officers can do this job for us.

The Marion County Juvenile Court is not asking for the impossible. It is asking for the means to reclaim hundreds of our young people who might otherwise become menaces to society. Their budget request should be granted by the appropriating body.

From our experiences in Indianapolis, I suggest this if you are having what appears to be insoluble budgetary problems, try working with a Citizens Advisory Council in solving them. There is no better way.

Other subcommittees have been equally successful in carrying out their specific assignments. One has devoted its efforts to the improvement of the physical facilities at our Juvenile Center. No major repairs had been made for five years prior to the formation of the council. The roof resembled a sieve, the plumbing fixtures leaked, many of the floors had rotted away, the plastering had

crumbled, the security screens had rusted and deteriorated to the point where the place provided practically no security and the heating system seemed to operate only during the warm months. This subcommittee proceeded to build a fire where it would do the most good—that being under the county officials responsible for this tragic neglect of county property. Civic organizations were told the story, newspapers through stories and editorials cried out in protest, and then action resulted. All urgent repairs were finally made.

The improvement of the physical facilities at the Juvenile Center has not been the only project of this particular subcommittee. They arranged for the assignment to the center of a public school teacher, a carefully selected woman. Volunteers skilled in teaching arts and crafts have been procured to assist the paid member of the staff who is responsible for this part of the program. Hundreds of dollars worth of materials were obtained by this same group. The center has become almost the personal property of this subcommittee and their concern over it is the kind they have for their own living quarters. Again I want to reiterate, there is no substitute for citizen interest and participation if you want social action of the right kind.

I cannot describe in detail all the achievements of our Advisory Council during its first three years of operation. However, I do want to mention briefly two other attainments. From funds secured through private sources, the Advisory Council was able to employ for the first six months of Judge Hoffmann's administration the services of an outstanding consultant, Professor Ben Meeker of Indiana University. Mr. Meeker has had wide experience as a probation officer, as a classification officer in a correctional institution and as a teacher in a graduate school of social work. His advice and counsel were extremely helpful in assisting the judge to organize his court properly.

The Advisory Council also appointed the inevitable

publicity committee. The council was never told in so many words that one of its jobs was to interpret the program to the community. Nevertheless, the judge and his staff hoped that the council would be able to allay any unfair criticism that might arise and would promote sympathetic understanding of the court's work. The enthusiasm and the interest of the council have resulted in a major contribution of interpretation and promotion. They have been successful in telling our story where the telling would be most effective. Furthermore, the members have come to be regarded as responsible sources of information about the program and needs, not only of the juvenile court, but also of closely allied agencies.

We have followed the lead of an experienced executive who said, "I don't spend time trying to interpret to the board; I just try to put them to work." Keeping up the interest of the council and keeping them at work is no easy matter. Considerable thought, planning, and time are necessary to make the meetings of the citizens group meaningful. Each meeting provides opportunities for the members to participate in some way either through discussion of a problem or a policy, making a committee report, or asking questions about cases or the program. Nothing would dampen the enthusiasm of such a group so much as a meeting which appeared to them to serve no particular purpose. Active participation assures their continuing interest.

A successful advisory group deserves and should be given recognition for its contribution. Our judge takes particular care to give credit, wherever possible, to the council. It is not undeserved praise and recognition which he gives, but a merited and grateful tribute to the faithful service the membership has given the community through strengthening the program of the court.

In summary, these are the salient areas of help and accomplishment of the Marion County Juvenile Court Advisory Council;

1. Interpretation
2. Formulation of policies
3. Securing competent personnel
4. Raising the standards of service
5. Securing adequate office space and supplies
6. Special programs, such as arts and crafts at the juvenile detention home
7. Improving the court's relationship with other agencies
8. Securing adequate budgets for both the court and the detention home
9. Securing adequate salaries for the professional personnel.

III INSTITUTIONAL TREATMENT OF THE DELINQUENT

Social Reeducation in an Institutional Setting¹

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THE attitude of a patient toward his own recovery is a determining factor in his improvement and among the major functions of a therapist is to motivate treatment. A patient will correct attitudes and feelings when he has a purpose acceptable to him, for without such a purpose treatment may be well nigh impossible. In direct psychotherapy the transference relation is a major motivation for improvement. The patient's desire to please the therapist is among the chief motives for the change in persons who undergo psychotherapy. Similarly, the motivation for change in children in activity group therapy springs from their desire to be accepted by the group—a desire that we designate as “social hunger.” We have found that when this is absent, children do not improve; in fact they may be detrimental to others in the group. Thus before we can attempt to help people we must first ascertain whether they want to be helped and when this is not the case, our primary function is to establish a favorable mental attitude toward the treatment situation. This has to be done in relation to the special setting in which the corrective efforts occur.

Relations, aims and process are at great variance when therapy is carried on in an in-patient hospital ward, an out-patient clinic, in a private office, in a military setting, in a prison, or in a so-called industrial school. Many elements inherent in one are absent in others and

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factors secondary or incidental in some are of major or primary importance in other settings.

Because we are concerned here with the corrective process in a setting of industrial schools, or what are still sometimes referred to as "reform schools," we shall direct our remarks to these institutions specifically. The total living and educational setting in a correctional institution falls, it seems to me, into five specific, though interrelated, areas. These are: academic and trade schooling; cottage life; free-time recreational activities; community participation; and clinical treatment. In the present paper I shall address myself to those segments of life in these schools that can be properly designated as non-clinical and non-academic.

Considerable dissatisfaction has been voiced by the more enlightened workers in this field with the academic schooling now imposed on the residents of industrial schools. The dearth of recreational opportunities has also received attention, as well as the quantitatively and qualitatively inadequate clinical services. These activities when properly carried out have their roots in practices found in urban communities generally. Although they need to be modified to meet the capacities, needs, attitudes and readiness of the residents, the major body of knowledge and practice can be directly transplanted. This is not the case with cottage and community life. At best cottage groups are temporary, fluid and unstable; they are artificial and alien to the backgrounds and felt needs of the youngsters. Sequestration from one's home and neighborhood cannot mean anything but rejection and punishment with accompanying guilt, resentment and retaliatory impulses. It is with these negatively charged feelings that we deal in our reeducational efforts in schools of this nature.

Similarly, the larger school community is in almost every respect different from the communities from which the residents have been removed. The lifelong friendships, the familiar groups and gangs, the social and cul-

tural homogeneity are all absent. The customary freedom of locomotion, the freedom and variety of choice of associations, amusements and pleasures are either lacking or are curtailed. The physical environment is different, alien and even threatening. The story is told by a matron of a small institution for girls located in a very beautiful country setting. The two story Tudor-type homelike structure was surrounded by well kept lawns, shade trees, a rose garden and varicolored flowers. The matron once took several of the girls on a trip to a nearby harbor town which was congested, seething with people and pushcarts, with numerous stores, tumultuous and noisy, but which proved to be invigorating to the girls. One of them exclaimed: "It's wonderful here. Just like the Bronx!"

I have elsewhere suggested that the social milieu of an institution should be an extension of and as far as possible related to the environment of the larger world from which the young people have been temporarily separated and to which they will ultimately return. Though there are always a number of so-called hardened personalities who may require prolonged or permanent sequestration from society, the number of these is comparatively small. By and large our residents require short periods of reeducative experiences and psychological treatment which will prepare them for a life in the general setting of our society. Given, therefore, the specific setting of an industrial (reform or reeducative) school, what should the social milieu (the community and cottage life) be that would be most conducive to changing attitudes and behavior?

Because of the brevity of this discussion, it will be possible only to touch upon one or two of the elements involved, and very briefly at that. First, community life must follow the democratic principles of our culture even though these may have to be modified and graded in some respects in accordance with sound educational principles.

Democracy is based upon four primary dynamics, freedom, status, participation, and responsibility. The degree of freedom permitted must obviously be graded in a progressive manner to accord with the readiness of the residents to employ it for their own growth and with the creation of a wholesome community setting. It would take us too far afield were we to attempt a comprehensive description of freedom. For the present discussion I would like to say that freedom does not mean blanket license to act out impulses indiscriminately. It is rather the freedom to explore one's environment, to discover one's interests, and to establish relationships. Freedom here, as everywhere else, is conditioned by the freedom, convenience and happiness of others. Limitations to liberty are inherent in all group living, and emphasis in reeducation must be made on this fact both in the setting of experience and in reflective discussion.

A corrective environment must provide status for each and every individual. Each must have a feeling of self value. One's natural trend to self regard as an individual entity and a social organism must under no circumstances be violated. This can be achieved in many ways when democratic principles are applied to group living. One of these is a satisfying occupation resulting in successful achievement; another is a social organization in the institution of which each feels a part. Within capacity and readiness, plans for the school life and its program should be evolved by the staff in consultation with the residents. It is not enough to *provide* facilities and activities. Our objective should be the resultant feeling of belonging and importance that active and honest *participation* yields. One acquires status through being accepted and treated as important, and in the institutions under discussion the attitude of the staff is a determining factor in this regard. Resentful, punitive or derogatory attitudes, no matter how well concealed, counter the recuperative trends of children and

young people and intensify hostility and negative attitudes.

Striving for status has always been recognized as a main driving force in human effort. Being a member of a group or community is a basic requirement of all normal individuals. The plan of institutional living, therefore, must provide status to each in accordance with his particular abilities and capacities. Some derive gratification from friendships with peers or members of the staff, others through a feeling of belonging in the cottage group, still others derive it from creative effort or group leadership.

What has been described as part of democratic living can be acquired only through active and spontaneous as well as planned participation in the life of the school community. The assumption that residents of institutions have to be "reformed" or "treated" may result in an authoritarian and even tyrannical pattern. When these attitudes prevail, discipline in its worst sense, restrictions, deprivations, and punishment constitute the social pattern and color all relationships—those among the staff as well as the children. The aim should be rather supplying constructive living relationships and wholesome educational and creative opportunities to which every child and youth has a right. Only schools and staffs motivated by such a philosophy and aim can discharge the role of the good parents, the absence of whom has brought the youngsters to the dilemma in which they find themselves.

Willingness (and ability) to accept children and young people with their inevitable vagaries, resentments, rebelliousness and hostility is a basic requirement for this work. Another important qualification is the ability to work with them on a participatory level rather than one of domination and submission. Participation of each and every member of the school community—staff and residents—is a *sine qua non* for reeducational effort. Such participation not only builds ego strengths, emo-

tional maturity and feelings of self-esteem, but also begets better adaptive powers. Participation is the only way open to us for evoking responsibility, self-control and desirable human relations.

But to have such salutary effects, participation must be genuine. Pseudo-democracy can be even more detrimental than frank and honest authoritarianism. Frankness gives the residents security. It is definite. Pseudo-democracy where the decisions of the group are manipulated behind the scenes or can be at any time directly reversed, vetoed or negated by persons in authority, on the other hand, makes participants insecure. It militates against a full-hearted feeling of belonging. For practical reasons, democratic participation may have to be encouraged in specific areas of the school life and withheld or modified in others as expediency and readiness of the group indicate; but to whatever extent or areas it is employed, democracy must be genuine and honest. This definiteness and honesty in democratic living is of utmost importance.

Social responsibility is a product of social living. Normally a well ordered home provides this as a beginning. Later other group experiences in schools and in the community help this process through working and playing with others and through the controls and limitations imposed by them during an active group life. In the case of the residents in our schools, these opportunities had been inadequate or lacking in the past and re-educative efforts must provide them.

Basic Experience

Perhaps it should be noted that the preceding discussion and suggestions are not purely theoretical. I had the unique privilege of being instrumental in implementing these and other principles of a similar nature in a school for so-called delinquent young people some fifteen years ago. As director of reeducation I helped in introducing by slow stages not only self-determination by

each cottage group, but participation of residents in the administrative control of the school as well as in a free, active life in which the intellectual, creative and artistic needs of each was met. We had the conviction to institute full coeducational activities for boys and girls in the academic school, in free time recreational and social activities, and in work groups.

We had eight distinct music groups which included a choir, chorus, harmonica club and an operetta group. Twelve of our youngsters who had displayed musical talent received individual instruction in music on the campus. Two of our girls traveled weekly to New York by themselves for dancing lessons because it was in this area that their talents lay. Our art studio and dramatic workshops have produced notable results. Plays, lyrics, melodies, skits, scenery and lighting have all been products of self-initiated work of the various groups and individuals on the campus. The editorial group edited a journal which was printed in the printing shop by a special group. All the writing was creative and original, not just tributes to the director, to staff members or the president of the board. Arts in the school received only brief mention. Arts and crafts, science, chess and checker, and library groups have all had eager participants as did the gymnasium and sports teams. Out of this web of multitudinous opportunities for participation and group interaction bolstered by the abiding faith and confidence some of us had in the positive assets of most of our youngsters, an atmosphere of friendliness and kindness and an unimpeachable loyalty gradually emerged, which in my opinion are the foundations for all emotional reeducation. We have utilized the creative drives of our young people, their cravings for relationships, group identification and for wholesome development as individuals and as social entities.

It must be recognized from the outset that there are youngsters who cannot fit into a communal reeducational

setting such as we are describing. Although the percentage is comparatively small, their unfitness must be determined in advance so as not to disturb the therapeutic climate in an institution. The presence of a few, and sometimes even one, particularly sick and destructive inaccessible youngster may defeat the efforts of staff and residents toward establishing a desirable atmosphere. In adding new members to the cottage group or to the community the group's capacity to assimilate them must first be established. We must be on guard against introducing too many, and especially too disturbing *foci of infection* that activate intense anxiety and abreactive and violent behavior. This can be achieved by a thorough preliminary study of the young people before they are accepted for treatment or assigned to a group.

Our practice was to observe the prospective resident for two weeks in a "reception cottage" in charge of a psychiatric case worker who studied the newcomer in all his relations and noted his interests. With the help of this material and the battery of psychological tests and a psychiatric interview, it was possible to determine with considerable certainty not only the accessibility of the youngster, but also the proper placement for him in the school. This was determined in conference with the psychologist, the psychiatrist, the cottage supervisor, the psychiatric caseworker, the principal of the academic school and the director of reeducation. Each suggested placement in the various groups in which he had special competence. As a result of their discussion, the "quality of the personality" was sufficiently made known so that the most advantageous program and cottage assignment could be made for him. His own preferences for special recreational activities, academic interests and work assignments on the campus were also considered and he was allowed to make changes in his program after a two-week trial.

Cottage Groups

Perhaps the most valuable outcome of these studies and conferences was the proper assignment of residents to cottage groups. Only brief mention need be made here of the paramount importance of the intimate face-to-face relations in cottage life. Here the family is in many respects reproduced, and earlier attitudes toward persons in intimate relations are lived over. Because these family relations were so emotionally charged and so significant, every effort must be made to correct them as far as possible through the intimate cottage group. To do this however the group must be planned.

Obviously clinical categories cannot be of help to us in the formation of cottage groups. If we were to place only psychoneurotics in one cottage, for example, psychopaths in another, and primary behavior disorders in still another, we would find the density of pathology or degree of acting out too great for our corrective aims. While it is essential that cottage groups be homogeneous, this homogeneity should be rather one of interests and quality of personalities. Interests cannot be too conflicting or at such great variance as to prevent contact among the residents and the subgroups they form. Young people who are interested in sports exclusively, for example, would have very little in common with others whose consuming interest is writing of poetry or painting. Interests should not be so far apart that the cottage residents could not find common grounds for contact and sharing. Common interests are a bridge between people and engender relations. They also prevent isolation of individuals and fragmentation of the group. While it is essential that there be a variety of interests a degree of exclusiveness that blocks communication and group formation must be avoided.

We also need a minimal similarity in the basic psychological makeup of the individuals in the cottage group. An extreme illustration of this would be sadistic persons

when grouped with masochistic individuals. Extremes in domination and submission is another example. However, the most important criterion for forming satisfactory cottage groups is the element which I have already referred to as the quality of personality. This concept is rather difficult to describe although I feel quite sure as to what I have in mind. By it I mean the quality of reactions of an individual to life's situations, his capacities to sublimate primary drives and to identify with other human beings. It also includes selective preferences and responsiveness to stimuli such as ideas, art, and human relations.

In our experience with people we all become aware of them as either fine or tough persons. I know that this description would be difficult to defend clinically, but it is meaningful in terms of common experience. Perhaps we could use William James' description of the tough-fibered and fine-fibered individuals, or the Jungian classification of the subjective or introverted and the materialistic or extroverted types. The sameness in the quality of responsiveness is perhaps the best criterion for grouping people.

Just as clinical categories are unsuitable as guides in the forming of groups, sociometric studies are equally unreliable. We have found that the attraction some residents have for others is often based on similarity of pathology or delinquency and sameness of the city or neighborhood from which they came. Such bases for grouping are obviously undesirable. In our reeducational effort it is necessary that we group individuals with a view of activating their potentially positive or constructive impulses. We cannot be guided entirely by preferences of the residents themselves or the diagnostic category to which they belong.

Another factor that must be present in a close life-group is the presence of constructive objects of identification. Whatever the state of the ego ideals among the young people may be, and these of course are not

of too high a level, it is necessary that we attempt to awaken strivings for self-improvement through establishing adequate ego ideals. These can be found in the other residents of a cottage, but it is the cottage parents, as parent surrogates, and other members of the staff with whom the residents come in intimate contact in their daily living on the campus, who must supply these models of identification. Their quality, attitudes, acts and manners are of inestimable importance in this respect. Group unity, morale, and individual and group super-ego development flow from the adults on the campus.

In this regard the major figure is the director of the school who represents the ultimate power and security. He is, therefore, charged with phantasy and affect. He must represent the best elements of a father figure. He must be approachable, kindly, and above all just. He epitomizes the strivings for justice, right and security; he is the ultimate in super-ego and is the object of identification.

In the structuring of groups we must always keep in mind that there are no hard and fast rules. The major aim is to establish a degree of homogeneity by avoiding extremes. There must be a degree of common quality of personalities and adequate objects of identification, and the density of pathology should be maintained at as low a level as circumstances permit. We also need a sufficient variety in interests, types of personalities, and severity of problems that would add to the broadening and enrichment of the social environment in the school.

Group Therapy Problems

Concerning group therapy in such a setting one can say briefly that activity group therapy where free acting out is encouraged cannot be employed in a resident setting. The organic continuity of the living and clinical settings would encourage rowdy and destructive be-

havior and attack upon the school environment outside the group. The lack of restraint characteristic of these groups and the therapist's permissiveness would encourage acting out in daily living, which would render the social climate undesirable for all concerned. Violence and uncontrollability would be further encouraged by the fact that the therapist and the children see each other during periods other than group sessions.

However, our brief experiment at Hawthorne-Cedar Knolls School with a group of girls shows that analytic group psychotherapy or interview group psychotherapy is suitable. The members of this group, some of whom gained little from individual treatment, have improved a great deal through group therapy. Though they had been unable to relate to individual therapists and were uncommunicative, they spoke freely in the group. Because of the support the girls gave one another, some found the courage to verbalize their resentment toward the school, while other more friendly girls interpreted its positive aims. It was found that some of the girls gained enough from the group interviews to make individual treatment unnecessary, while a few became more accessible to individual treatment because of the group experience. The serious difficulty we encountered in these groups was the girls' fear of revealing their problems and delinquent behavior, particularly of a sexual nature, because of gossip and the possibility that this information would become known to the community, especially the boys on the campus and more specifically their own "boy friends."

I have tested a form of group discussion which yielded most favorable results in a school setting. There were the discussion groups in cottages, the intention of which was not only to arrive at some principles of group living, but also to gradually introduce self government. Staff members and residents participated on an equal level in these talks which first centered around everyday matters related to living together. Plans of cleaning up,

rotation of chores, division of duties, problems of smoking, leisure time occupations, participation in community programs, home visits, and similar matters came before the assembly. Infractions against the cottage rules came up for discussion by the whole group of residents and the cottage parents shared their difficulties with the whole group. In the case of runaways, the council would decide whether the runaway should be accepted back into the cottage, transferred to another cottage or to a different institution.

Gradually, the groups built up a sense of genuine responsibility for the conduct and morale of the group and the total life in the cottage. All questions and problems were discussed freely, with the staff participating as members of the group, but inevitably exerting influence and offering guidance. The discussions which at first were held daily, then twice a week, and more often when necessary, turned to general matters of behavior and attitudes. Such subjects as anger, loss of temper, impatience, intolerance, rebelliousness, selfishness came within purview. Techniques for dealing with such feelings inevitably came to the fore and proper substitutes and controls were suggested by the young people themselves. That these free discussions were effective was attested to by staff members who frequently reported spontaneous conversations among the residents when they would calmly interpret each other's undesirable behavior such as pugnacity, thoughtlessness and dishonesty as they occurred.

While such discussions should not be confounded with psychotherapy, their effect in building up values, understanding of motives, and control of behavior was amply demonstrated. One must always accept the limitations of such techniques since many of the residents suffer from personality difficulties that do not yield to such conceptual stimuli and rationalistic analyses. They need changing of the psychological forces and the patterning of character in which only psychotherapy can be effective.

tive. But even such youngsters benefit from the experience of participating in a group, of ventilating feelings and gaining understanding. Certainly intimate discussions help create group unity and group morale.

The greatest concern of residents in correctional schools is failure in social adaptation. In this connection the group becomes important and group discussions should be encouraged at all times. No matter what the subject is, the fact that young people can sit together with an adult and express their thoughts freely is of utmost value. The mutual exchange and reciprocal learning not only increase one's self respect, but enhance respect for others in the group. If the adult is wise and well informed, with a gift for conveying ideas at the psychological moment with relevance and simplicity, much can be achieved in developing in the youngsters a sense of values and the capacity for respecting and relating to others.

Groups must be small, say twelve to fifteen. The participants should come from the same cottage though this is not essential. An advantage is that residents of the same cottage can follow through on the discussions spontaneously during their everyday contacts. To yield the maximum results members of the groups should have a degree of homogeneity in intellectual capacities and interests which we have already indicated.

Returning to our first thesis dealing with motivations, I believe we are justified in saying that in a school these motivations can and should be supplied through the relationships in, and the total setting of, the school. The destructive aims generated by resentment and unhappiness can be sufficiently counteracted in a majority of the residents through these means. Others need in addition direct psychotherapy.

May I also suggest further that it is not possible either to group the residents or to create a healthy community by the application of strictly scientific knowledge or criteria. The complexities of the human personality, espe-

cially in dynamic interaction with others, transcend our capacity for scientific validation or definition. Even though this work may be based upon definite understanding of the human psyche, the multiplicity of its forces in social interaction makes it impossible to formulate exact rules. Sympathy, intuition, justice, flexibility and kindness are still the only reliable tools in the practice of human relations. For if ever we do any good to other humans it is because of our basic humanity, the inspiration we provide and genuine desire to help less fortunate persons than ourselves. In human relations, science is at best a poor substitute for this humanness and inspiration.

After the Training School—What?

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HELP, guidance and supervision for boys and girls leaving training schools and for their families is a strategic part of services to delinquent children. The best institutional program cannot immunize its clients against difficulty in future adjustments. Youngsters come to training schools from less than ideal homes and communities. The bulk of them return to those homes and communities. Those who do not, move on into strange homes or struggle to fend for themselves in an adult work world. In any case they are subjected to unusual stresses and strains following release from the training school. Failure to provide continued help may well cancel out the time and effort invested in institutional treatment. Such failure is wasteful economically. It is even more wasteful of human lives.

A period of continued guidance for children leaving training schools, variously referred to as aftercare, post-institutional care, or parole, is not a recent innovation. America inherited from England the practice of "binding out" or indenturing uncared for children. Records of such action in this country date back to 1636. It was natural that these practices became an early part of the programs of institutions for juvenile offenders. From indenture or binding out of children by institutions and from the widespread adoption of indeterminate commitments, we trace the origin of our aftercare programs.

The investigation of homes prior to placement and visiting children following institutional care was not begun on a systematic basis until the latter half of the nineteenth century. Massachusetts, for example, established a state visiting agency to perform these functions in 1863. Despite our relatively long experience with this

type of service, however, we have not been successful in establishing adequate aftercare programs in a large number of states and communities. The reasons for this are many.

We have had difficulty in securing adequate funds. We are not yet fully agreed as to where responsibility for the service should be placed. We have not clearly defined the content or mechanics of the service. We are not agreed about the kind and degree of training necessary to do the job.

It is not too surprising that we have experienced some difficulty in regard to funds. This problem is not unique to aftercare programs. To some extent it is shared by all programs which provide rather intangible services. Funds are harder come by for aftercare than for some more tangible aspects of our programs for delinquent juveniles. The need for a houseparent in an institution, for example, is fairly obvious. There is a physical building housing so many children. Some adult must take charge. The need for a person to work with an equal number of children scattered over a wide geographical area is less obvious. The houseparent gives physical care to children. The contributions of the worker providing aftercare are less concrete.

It is surprising, however, to discover some communities utterly lacking even a plan for providing aftercare. And this is where they must begin. How are they going to provide aftercare services? Who will do the job?

Some persons believe that responsibility should rest on the training schools; that aftercare should be regarded as a logical extension of the institutional program. They point out that the training school usually retains legal jurisdiction over a child for some time after he is placed. Legally the training school has a continuing responsibility which it cannot evade.

Much can be said for this point of view. When a child is released, the training school has already invested time and energy in working with him. It has acquired

a vital stake in his future. It has come to know the child intimately. It possesses a degree of concern and interest which another agency cannot be expected to fully share. If the child has found a degree of security in the training school, a transfer in responsibility for aftercare may to some extent cut him off from this security. There are advantages too in having the worker providing these services attached to the training school. Such a worker can be selected and trained for work with a particular age group having certain common problems. This arrangement ensures the development of close, cooperative planning between worker and institution so necessary to effective aftercare. As a member of the training school staff, the worker can be given time and opportunity to develop a personal relationship to the child prior to placement.

On the other hand, the plan of having each training school provide its own aftercare service presents certain problems. If a training school serves a large geographical area, a single worker may need to service a number of local communities. Too large a portion of the worker's time may be expended in traveling. If more than one training school serves the same geographical area, two or more workers may be covering the same territory and providing identical services to relatively few children.

A more fundamental problem, however, is encountered in attempting to localize a service provided by a small centralized staff. By a localized service I mean one provided by a worker belonging to the local community—a service for which the community feels some responsibility. These are not the characteristics of a service provided from afar through a visiting worker. Obviously, a worker possessing an intimate knowledge of a community and having extensive contacts there can give more effective help to a child in the community than a worker lacking these. Local communities should feel some continuing responsibility for the welfare of their children too. Out of this kind of feeling grows

healthy community action in behalf of children.

To localize an aftercare service provided by workers attached to a training school staff is not impossible. It may be quite easy if the school serves a small enough area. It can be done if each training school can employ enough workers. Actually, this may be the best way to do the job. In one large and well populated state, for example, a training school providing aftercare through its own staff maintains a number of local offices. Its field staff operates from these offices. Its workers reside in the communities they serve. The problem, however, becomes quite serious when a training school attempts to serve a large area with a relatively small staff.

Still other persons favor the development of a single aftercare program to serve all youngsters from the several training schools within the state. This plan, it is argued, embraces most of the advantages of the former plan, particularly if it is administered by the same agency of the state which supervises the training schools. Representing the same central agency, the workers would fully share the training school's stake in the future success of the children placed. Giving full time to the work, they could acquire specialized skills in dealing with the age group served. It is maintained that this plan has certain other advantages. Combining the case-loads from several training schools would justify the employment of enough workers to ensure geographical coverage. Two or more workers would not needlessly cover the same territory.

If a single aftercare program is developed for a state, it should not be a part of an adult parole system. It should not, because of both professional and public attitudes toward the job to be done. Whether or not there are legal distinctions between the status of the committed child and that of the sentenced adult in a given community, the fact that the adult has been convicted by a court as a socially responsible person has a real impact upon philosophy and practice. There is need too for spe-

cialized knowledge and skills in working with children which differ from those needed in work with adults. The worker with children needs extensive knowledge of growth and development, specialized understanding of the conflicts and growth problems of adolescents. He needs skill in utilizing foster care and other specialized services. Indeed, a worker assumes a responsibility for a child which differs in degree and scope from the responsibility assumed for an adult parolee. Of course a centralized aftercare program serving several training schools encounters some of the same problems in localizing the service that are encountered when each training school provides its own program.

Still other persons believe that aftercare services should be furnished by casework agencies in the community. This plan achieves real localization. The workers have an intimate knowledge of and a variety of contacts in the local community. Many of the children or their families are already known. These agencies are providing a variety of services in their operating programs which can be flexibly used to serve the child from the training school. Often, it is argued, a child may be eager to break off his relationship to the training school when he leaves it. He may even be more resistant to help if served by an agency not especially identified, not solely concerned, with services for the delinquent child. He must not continue to identify himself as a delinquent. This plan also has the advantage of utilizing an already existing pattern of services, a pattern which in some degree is usually statewide.

Like the others, this plan also presents some problems. Lacking the legal responsibility of the training school, the local agency may not give the concentrated attention needed by these children. Neither the local agency nor its workers are likely to be judged in terms of the success or failure of the children placed from training schools. The fact that the local workers may already carry heavy caseloads may result in a lack of necessary

help to these children. Carrying a diversified caseload also means that the worker cannot be selected or trained for work with a specialized group. If that worker is immature, he or she may experience real difficulties in working with an aggressive adolescent—difficulties somewhat different from those involved in working with the younger more dependent child.

For the state or community needing a basic plan for provision of aftercare, I do not believe that any one of the above mentioned plans is necessarily the answer. Like other services for children, the plan adopted should be designed to meet the problems of the area served. The school serving a relatively small area may be able to provide more effective services through its own staff. If funds permit sufficient personnel, this may be the most feasible plan for any size area. On the other hand, if local agencies stand ready to provide this service, many advantages may be gained by giving them this responsibility. Recognizing the values of localizing responsibility as far as practicable, it is possible that legal jurisdiction should be transferred to a local agency when the child leaves the training school.

In some states or communities elements from all three plans could be adopted. The training school or a central aftercare agency might supervise youngsters in heavy caseload areas. Local agencies might assume this responsibility in areas where cases are few enough to be readily absorbed into existing caseloads.

Making Services Effective

The majority of areas have, of course, developed some type of aftercare program. But in many of these the child does not receive the help and attention he needs. Disregarding organizational differences then, what can we do to make aftercare more effective?

First of all, we must more fully recognize the role of the child's family in our total treatment process. Commitment may give legal custody to the training school,

but it does not emotionally divorce the child from his family. The influence of the family follows the child to the training school and continues to operate after he leaves. Our concept of aftercare must be broadened to include intensive work with the child's family. This cannot wait until the child is ready to leave the school. It must begin when he arrives. Aftercare, then, is not simply care given to the child after he leaves the institution. Its services should be designed to reach the family of the child in the training school, to help the family toward readiness for the child's placement, and to give help and support to both child and family following placement.

We need to be more realistic too about placement plans. The majority of these children are adolescents. Many are struggling to free themselves from the control of adults. Yet we have persisted in utilizing foster homes for many of these children. The adolescent with substantial dependency needs may make out there. But many others cannot take on the substitute parental relationship inherent in that setting. The prevalent use of work homes for these children needs to be carefully scanned too. Hopefully, the "hired girl" and "chore boy" era of child placement is long past.

Realistically, a foster home or a work home is too often the only one for adolescents who cannot return to their own homes. We lack other facilities for their care. Some who cannot return home will seek employment; others should go on to school. In any case, they will need a home base and some adult guidance and supervision there. For those unable to use foster homes profitably, we need to develop small group homes. One private training school in the middle west, for example, has developed two such units. They have proved invaluable in meeting the needs of many boys.

We also can do a better job of preparing youngsters for placement. This job can be divided into two parts. The first is the preparation which can be given to a

group. It can best be achieved through planned but free group discussions wherein youngsters are stimulated to bring out fears and problems. The very reticent child will benefit from hearing others raise questions he may be too timid to express. The discussions should be designed to bring out whatever general questions and fears children have about placement. Should they admit having been in the training school or try to keep it a secret? How will they handle the situation if reference is made to their training school experience before a group of friends? Older youths should receive advice about securing employment. How do you apply for a job? How do you get a social security card? Is it safe to list vocational experience received in the training school on a job application blank? These are questions which all youngsters leaving our training schools face in some measure. They will be better able to face them if they have advance preparation.

The other part of the preparation job refers to the help they need in facing up to individual problems. This help can be given only on a case by case basis. The individual preparation should also define the nature and limits of the future relationship between worker and child if this has not been done in previous contacts.

Personnel Needs

The lack of sufficient competent, trained personnel has handicapped efforts to establish adequate aftercare programs. This problem grows out of several factors, low salaries in the field not being the least of these. While disagreeing with the contention sometimes made that aftercare or parole is not casework,¹ I am in full accord with the thesis that our schools of social work are not, by and large, providing adequate training for workers in the delinquency field. All too often the casework training in these schools is almost exclusively

¹See "Training Probation and Parole Personnel" by Walter C. Reckless, *Focus*, National Probation and Parole Association, March 1948.

oriented toward work with the younger, preadolescent child in the voluntary social agency.

Long range efforts to improve aftercare services must include a realistic attack upon the problem of better trained personnel. The training of professional caseworkers for the delinquency field will involve providing more opportunities for field work experience in juvenile courts, training schools and other authoritative agencies. The agencies providing services to delinquents, in turn, need to assume more responsibility in the professional training of personnel for these services. Recognizing that enough fully trained caseworkers will not be available to fill all positions in the field, we would be wise to direct our efforts to getting such persons into key supervisory positions. With good supervision, workers with less formal training may be able to perform many of the necessary functions quite adequately.

We can do a better job too in terms of specific job responsibilities. When aftercare is provided by workers giving full time to this service, orientation to the job should include several weeks of working experience within the training school. Such experience should be designed to give them a feeling of total program and to bring them into close contact with groups of children. Workers providing aftercare as only one of several job responsibilities probably could not give the time necessary to this kind of orientation. Hopefully they might spend at least a few days in the training school. Newsletters describing the progress and problems of the institution would help to give them a "feel" for the program.

We have said that the form or organization of aftercare will, perhaps should, vary according to resources and needs. Certain principles, however, should be basic to every system. Some of these we have already touched upon. Obviously, the service should provide for comprehensive coverage. To the extent possible, the workers providing the service should have identity and extensive

acquaintance with local communities. Regardless of the agency to which they may be responsible, they should also have a thorough understanding of and a continuing relationship to the training school, a relationship which should give the worker contact with and information about the child while he is in the training school. It should supply the training school with information about the child's family. It should involve cooperative planning in relation to work with the child and his family and to placement. Finally, whenever necessary, it should involve cooperative planning in relation to problems which may develop following placement.



Release from Training Schools

A National Survey of Present Methods¹

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FOR several months I have studied, under the sponsorship of the National Probation and Parole Association and the United States Children's Bureau, release practices from training schools. The material collected covers a wide variety of categories, beginning with terminology and covering such aspects of parole as preparation, eligibility, organization of the releasing authority, the hearing, parole conditions, placement in the community, supervision, duration, revocation, and supervisory personnel.

Before presenting some of the more important findings of the survey, it may be well to consider that parole has different meanings for different people depending upon varying practices in the training school field. In one state for instance a child committed to a training school is treated on a casework basis until he is discharged from all supervision. At the other extreme, the statute of another state provides that all committed children must be fingerprinted. Elsewhere a child who is a behavior problem in the training school may be transferred to an adult penal institution for discipline, but the statute mercifully makes it clear that "in no event shall the girl or boy be confined or placed in any sweat box." One training school determines eligibility for parole on "recommendations of the mental hygiene clinic and completion of certain educational and training requirements on an individual basis." In another school a child earns one credit a week for conduct and effort, and may be paroled when he has fifty-two of them. Thirty days stay is added for a child caught smoking in one school, while in another

¹From a thesis for the Master of Arts degree, New York University.

older children are allowed to smoke. In one school parole plans are made only a few days before release. In better schools parole planning begins the day the child enters.

Within one state or even within one city may be found courts with widely opposing attitudes towards children's cases. One judge makes it his business to understand the program offered in the training school and attempts to find out whether a particular child would benefit by commitment, or whether probation or some other plan might be more effective. Another judge with a distaste for a juvenile assignment conducts hearings in a perfunctory manner and makes commitments without discrimination.

In the strict sense parole is conditional release from an institution, and in this discussion it will apply to the juvenile training school. But with such a variety of practices it is obvious that the full meaning of the word will be dependent upon the processes involved in the philosophy of any particular jurisdiction. To function effectively, each process in the total picture must be dependent upon the other. Thus a school in a particular state has a poor training program, so a child to be paroled has not been fundamentally changed or reeducated for community living. Even if he has good supervision in the community, he may do poorly on parole for lack of institutional training. These two factors, variations of meaning in the term parole, and the necessity of effective functioning of the various processes involved, are of fundamental importance, yet a survey such as this cannot bring out these qualitative findings.

This study was based mainly upon questionnaires which were returned from 88 public training schools for juvenile delinquents, representing the District of Columbia, the federal government, Hawaii, and all of the states except Mississippi and North Dakota. Study of the statutes to some extent supplemented the material from the questionnaires. Some conclusions which could not be

drawn from the collected data were reached by conference with authorities in the field, from literature, and from the writer's personal experience in training schools in several states.

The Word Parole

Before discussing institutional practices we may consider briefly the reaction of administrators to the word parole. It was found that the majority of training schools use it to describe the process of release. Other terms include placement, discharge, aftercare, trial placement, release, furlough. Only a small number prefer parole, and the majority indicate that some other expression should be used.

Opposition to the term is significant but it is impossible from our findings to suggest a better one. Various people have stated that parole has a penal connotation and has more meaning in reference to adult release procedures. Such comments as these came in: "We do not use the term 'parole' or 'sentence' because any concept of the penal has no place in the life of any youngster." "Parole is a general term for prisons and prisoners and we have tried to stay away from prison terms." "No one under sixteen who is classified as a juvenile is considered a criminal and therefore a 'parolee'." Before a more fitting term is found it will probably be necessary to define more clearly the whole process in light of advances in this field. Perhaps when this time comes a phrase will evolve which will be acceptable to everyone. For convenience the word parole is used in the ensuing discussion.

Preparation

Inquiry in regard to techniques of preparation for release revealed that in the majority of schools pre-parole classes were not held. The interview as the only formal preparation is used in most schools. Where there is no formal pre-preparation some schools indicated that the day to day program is so regarded, and that this

starts with admission. It should be noted that while special preparation such as classes and personal interview have a place, they should be integrated into the whole process.

All but seven of the schools in this study stated that investigation is always made before the child is released. These seven indicated that it is sometimes made. Investigations, usually by those who have the responsibility of supervision after release, are made three months or less before the child leaves the training school in 51 of the 88 schools. It is encouraging to point out that in 18 schools planning for parole begins at or soon after the child's admission, although one school stated that the investigation was not made far enough in advance of the release date, sometimes two days, sometimes two weeks.

In a majority of schools preparatory work is done with the family while the child is in the school. It is impossible to know the extent of this, but since most children are released to families or relatives, preparation of the family to receive the child should be incorporated into the release program.

How many training schools have some form of gradual release or try temporary community placement? It was found that day to day parole for employment is used by 39 of the 76 schools reporting on this practice, a technique which can be valuable in the total training program and an aid to parole if it is well regulated and precaution is taken to avoid exploitation of the child. A majority of schools allow children weekend or vacation visits home. One reported that the boys can go home for holidays, or if there is illness or death in the family. Another said that girls were allowed to go home for weekends or vacations on a "casework treatment basis." A third permits visits after three months of good behavior.

Over half of the 78 schools supplying information on visits reported some method of trial placement. Thus

the child may be allowed to go home as a trial of adjustment. In one school this is considered a visit and release is granted if the adjustment is good. A child may be placed in the community during the day and return to the school at night. One school stated that boys are given trial parole for one to three months to check on their progress before final release. If a child is afraid to leave the school, placement can be made on a visiting basis at first. Programs of gradual release may be one process in the reeducation of the child, and a stepping stone to his return to community life.

The next step in the process is the determination of eligibility for release. It would be necessary to study individually and intensively the methods of the schools to present a truly realistic picture of this aspect. There are probably as many methods of determining when a child is ready for placement as there are training schools. However, in analysis of our data general patterns emerged. A majority of schools reported that satisfactory adjustment in the institution determines eligibility for parole. This gauge may be applied by such groups as classification committees, boards, case conferences, etc. Adjustment may be judged solely on completion of training, or on training in conjunction with other factors. Or placement possibilities may be considered along with satisfactory institutional behavior and other factors. Some replies were less specific, with phrases such as "when the child seems rehabilitated," and "rehabilitation complete to succeed in society," or "progress in rehabilitation and definite improvement."

Another method for determining eligibility is the credit or marking system. Nine schools use this device solely and nine others use it in conjunction with such factors as satisfactory adjustment in the school, attitude, review by case committee, etc. A child must earn 360 points, one a day with a monthly bonus for a good record in one institution. In another the child earns one credit a month, and must earn 15 before release. A third

school comments that a star or credit is awarded each week for acceptable conduct and effort, and 52 credits are required. Three schools stipulate a minimum length of stay, and three report individual progress as the sole determinant.

Most training schools, in contrast to adult institutions, have opportunity for greater flexibility in decision as to release. It is encouraging to find that only a small number use such mechanical devices as credit systems or minimum required time. Obviously the child's readiness for parole should be determined on a casework basis. It is improbable that any training school now has or could have in the near future complete individualization of treatment. The size of the school tends to defeat the personal approach. Complete individualization requires money and staff not available for most of these public institutions. Many are hampered by the court's lack of discrimination in the commitment of children unsuited to the program offered. So in urging eligibility on an individual rather than a stereotyped basis we must face present limitations. Two factors should be watched: 1) we must not apply the term where procedures do not even approximate this concept, and then, because the term is used, assume that the process is taking place; 2) because individualization does not in fact exist, we must not therefore excuse haphazard, loose methods in determining eligibility.

It is possible to approximate determination on an individual basis. Training schools can establish classification systems to plan each child's program to suit his needs. They can aim to increase their personnel and to improve its quality. They can urge the need of clinical services, or increase those they have already. These are only a few suggestions among many possible ones.

Of prime importance are the actual structure of the releasing authority and its dynamic functioning, although in a survey of this kind it is impossible to judge the operation qualitatively. Four principal authorities were

found: 1) the superintendent of the training school either with or without the aid of others; 2) boards of managers or trustees which could operate with or without advice of other agencies or individuals; 3) independent bodies such as youth authorities, boards of education; 4) committing courts. Most frequently the superintendent with the aid of other groups or individuals had the authority to parole.

With the releasing authority rests a dual responsibility: decision in the best interest of the child, and protection of the community. The release of a child may be an unjustified risk, or the community may not be ready to accept him. Herein lies a dilemma hard to resolve.

What kind of releasing authority can provide the best service to both the child and the community? With such complex questions as this authority must consider, it would seem that training in the field of child welfare and related disciplines would be requisite. Objectivity, thorough knowledge of the school program and of what is involved in supervision after release are called for. The releasing authority should keep abreast of changes in the field and should be free from political control and influence. It would seem logical that no one person could meet all of these demands and that no one person should have sole responsibility for the final decision.

It is doubtful whether release by an institutional board is the best method. This is not to say that such systems cannot or are not at this time operating effectively. But too many variables occur in the board system for an ideal plan.

The committing court is less often the paroling authority. It would seem that the regular duties of the court are extensive enough without adding the time of this function which demands so much outside of the court's knowledgeable area.

A separate board of well paid people who have specialized in work with children would seem to be the most suitable authority. The school personnel, with their day

by day knowledge of the progress the child has made, would be in a position to make recommendations to the board which should work in close cooperation with them. Success of a board such as this would depend upon the quality, training and ability of its personnel, and of course upon the treatment given the child before and after release. The additional expense of such a system would appear to be warranted by the later adjustment of the child.

Regulations Governing Parole

Opinion is divided in regard to giving the child definite written rules of parole. Of the 85 schools reporting on this practice, 42 indicated that printed rules are given children on release, and 43 reported negatively. In 37 schools printed conditions are given to all children, and in the remaining five discretion is used on this point. Is the child required to promise in writing to observe the conditions? A majority of schools indicated that a written promise is not required, and some that do ask it, use no printed rules. The child's signature is taken to show that he understands the requirements which have been explained to him orally. The printed rules studied contained general stipulations governing change of residence, marriage, legal requirements, reporting (both to the school and the parole officer), friendships, activities, use of automobiles, contracts, revocation of parole, etc.

Printed rules reveal two extremes: those written in a formal, legalistic style, and those which are informal in wording and general form. Such words and phrases as "must," "shall not," "it is the order of the board that you shall comply," "you will not be permitted," "do not" and so forth are scattered throughout most of those studied. The more formal type begins like this: "Know All Men By These Presents, That the Board of, desiring to test the ability of, a ward of the state, to lead an honorable and useful life, does by virtue

of the authority conferred upon it by law hereby parole him and allows him to leave the.....School..." Following is a brief sample of the rules:

"He shall in all respects conduct himself honestly, obey the law and refrain from use of all intoxicants, tobacco and narcotic drugs. He shall not leave the place of parole without permission from the parole agent, but shall endeavor to lead an industrious life, obedient to those in authority and self-respecting in his habits. He shall avoid all idle and evil companions and all places where such resort; public billiard or poolrooms and public dances. He shall especially avoid the continuance of friendship with those who have been companions in wrongdoing and shall avoid making such friendships in the future."

A few sections of a different statement of parole conditions illustrate the approach which is still quite authoritative and restrictive.

"It will be better for you and for other Training School girls if you will not try to keep your School friendships, and would try to make new friends entirely.

"You will not be permitted to correspond with the girls in the School, so please do not attempt to do so.

"You must not have over two dates a week and they must be with someone of whom the person you are paroled to thoroughly approves.

"You must never stay out after eleven o'clock at night.

"Dress conservatively."

An illustration, in part of a parole agreement which while containing restrictions and implying authority, is somewhat more positive in its general tone, is next given:

"The staff of the.....school is interested in you and your future welfare. We feel that you are now ready to leave the School and you are capable of making a good adjustment in society. If, however, at any time you have bad luck, get into trouble or have problems that are bothering you, we will be happy to have you come in and discuss these things with us, or you may

consult your placement supervisor. We are confident that you will exert your best efforts to make good."

Such conditions as these follow:

"I fully understand that my placement is dependent upon my conduct and good behavior; that any violation of the law or of my placement rules may cause my return to the school.

"I will be careful in the selection of my companions and will, during conferences with my placement supervisor, discuss the type of individual I am associating with.

"I will first obtain the permission of my placement supervisor before leaving the state or going on an extended trip."

Whether printed rules are given or conditions are informally imparted to the child, he should be familiar with what is expected of him well in advance of his release, not suddenly confronted with a set of rules just before he leaves. The whole tone of these necessary conditions should be positive, but friendly so that the child will react favorably to them. Such phrases as "Listen to and follow the advice of your parole officer," or "See your parole officer whenever you are in any kind of trouble or have a serious problem," were found in the parole conditions of one state; they imply a positive relationship between the child and his supervisor.

Placement

The possibilities for placement of the child are varied. The three most frequent types of placement were with parents or relatives, in work homes, and in foster homes. Seventy-seven of the 88 schools indicated, not surprisingly, that parents or relatives were their first choice. This finding points to the importance of preparing the home for the child's return. It is not necessary to restate the importance of this except to say that the positive gains from the training school program will be of little consequence unless constructive work has been done in the family.

Forty-three of the 88 schools do not require a child of working age to have a job before he leaves, but 36 do demand it, though exceptions are occasionally made in some of them. In one school an exception is made if the child is being paroled to his family. Some schools with no job requirement make an effort to find employment for the parolee. It was interesting to find that when the child is paroled with a job in prospect, 61 of the schools state that the employer is told of his status, and 14 indicated that the employer is told in some cases. Only three schools have a policy of withholding this information. It would seem that telling the employer would give him a better understanding of the child in their mutual relationship and would eliminate the likelihood of his learning the child's history from other sources. Two schools emphasize the importance of giving general information, but point out that details of the child's offense should not be discussed.

Supervision

This study reveals that throughout the country the types of supervision are extremely varied and complex, showing no definite pattern except that the great majority of schools do claim some form of supervision. Five main operative types of supervision can be classified as: 1) supervision by the staff of the institution; 2) through a central parole agency; 3) by state or local public welfare agencies; 4) by juvenile or adult probation workers; 5) by other community agencies such as peace officers, family or other private agencies, and volunteers. In this study only four schools out of the 88 reported that at times there was no supervision at all.

In eleven schools parole officers or social workers attached to the institution are the sole supervisors, and one school uses the superintendent or another staff member in this capacity. Five report that the state parole authority is used exclusively, six use welfare departments only, and two use probation departments. None use volunteers

or peace officers only. In a survey of this kind it is impossible to show how these methods of supervision actually operate.

It seems reasonable that supervision of the child should have some connection with the training school, preferably through field staff, perhaps providing liaison service between the institution and the welfare department, probation department or other supervising agency if the institution does not supervise directly. Parole implies some relationship to the institution, and for it to be successful a connecting link should exist.

While 43 schools use reporting by mail, no school indicated this as the sole contact between the child and the supervising personnel. A slight majority of schools reported the use of sponsors in some cases. Only 16 used them regularly to supplement official supervision. Children are released to other states on parole by many schools, and usually the receiving state is asked to supervise.

Some general recommendations on supervision may be made:

1. A central agency within each state system should set up definite policies for those carrying out supervision.
2. Personnel must be of the highest possible quality, with specialized training in work with children.
3. The extent and intensity of supervision should be based on the child's needs; no limits of time or attention can be applied to all children.
4. Discriminating use of sponsors in addition to trained personnel can be of value.

Termination of Parole

In nearly half of the schools the authority to terminate parole rests with personnel in the training schools, such as the superintendent, the caseworker or a case committee. The remainder of the schools reported that authority to revoke rested with outside agencies, usually those having the task of supervision. Generally speak-

ing, the supervising agency is in the best position to decide whether the child should be returned to the training school. If supervision is by some authority or department not related to the school, the decision should result from a pooling of opinions of the two agencies. In this study it was found that a majority of schools do not hold a formal hearing on the parole revocation. Of the 74 answering the question as to revocation when conditions of parole have not been violated, one-half stated that the child could be returned and the other half that he could not. It would seem that returning under such circumstances has a proper place in the parole program. It is not always possible for the parole officer to anticipate difficulties which may arise when the release plan is put into operation. Conflicts may develop which could not have been foreseen. Death or illness in the family may radically alter a given situation. Or it may be obvious that the child is in need of further institutional training, although no violation of the specific conditions has occurred. Sometimes the school is the only place where a child can receive convalescent care or extended medical treatment for serious illness, though this should not be the case.

Some comments illustrate this return practice. One school reports that a girl may be brought back "for placement in some other situation as a preventive measure, . . . for medical care or further training." Another states that a boy may be returned "at his request or for his protection as in the case of improper placement." In another jurisdiction boys and girls may be returned "if . . . further treatment is indicated or . . . the child is unable to adjust satisfactorily."

It has been necessary to discuss all these aspects of juvenile parole briefly, and only the more important points have been touched. It can be seen that a wide variety of practices exist. If this research had been more intensive, even greater variations would undoubtedly have been revealed.

In individual states the variations in policy have a haphazard appearance. The statutes relating to these practices seem for the most part to be vague and casual. Probably the most significant finding is the present confusion of ideas and motives. We probably all agree that the aim of parole is to provide the child with the chance to live a normal life in the community. But the specialized process of parole does not and cannot stand by itself. It must be integrated into the total program of any particular jurisdiction. A clear-cut, realistic philosophy must underlie the whole program for delinquent children. This philosophy should be widely accepted and understood so that the goal can be the greatest possible service to the child as well as protection for the public.

To accomplish three major aims—formulation of realistic policies, coordination of the elements of the total program relating to delinquent children, education of the public and enactment of better laws—we need to know what we want. We should define our goals in the most realistic way possible in the light of our present knowledge, always learning more by research, by keeping abreast of changes that are constantly taking place, and by sifting out what is worthwhile from that which is unimportant.

The Correctional Institution from the Viewpoint of the Social Agency¹

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AMONG the major problems that have confronted social workers are the prevention and treatment of delinquency. The causes of delinquent behavior are manifold, and the social worker recognizes that the environmental as well as the intrapersonal factors must be considered in the treatment of the individual delinquent. During the years of study of this social problem much research has been done with the result that the foci in treatment have changed with the development of new knowledge and skills.

Until recent years the private social agency in the community was more concerned with the treatment of the delinquent or pre-delinquent and had not given too much attention to the study and development of skill in preventive work. The individual or family that gave evidence of antisocial conduct was the one referred to the social agency. Too often the child or family was not referred for help until a serious problem had arisen. Inasmuch as the public had not assumed adequate responsibility for the study and care of delinquents, private social agencies assumed the function that fundamentally belonged to the community at large. With the establishment of federal and state programs for the care of children, the private agency was released from its previous role of primarily treating the delinquent and has been given an opportunity to focus on preventive work and on the treatment of the pre-delinquent group. However, this does not imply that the private social agency should be, or is, no longer concerned with the treatment of the delinquent child. The reason for this is first, that

¹Paper given at the National Conference of Social Work, 1950.

the community has not as yet established adequate public services for this group; second, that the private agency must maintain its interest and concern in the treatment of delinquents because by its very nature it is more flexible in its function and smaller caseloads or groups are carried. Thus the social worker in such a setting is able to explore and experiment in treatment processes; he is able to develop new diagnostic and treatment methods that will improve the skill and understanding of all social workers engaged in this field.

To accomplish this objective the social worker in the private agency must accept the responsibility for research which includes not only the study of practice but of the environment surrounding the individual. As an example of what is entailed in such a research project, one could cite a study recently started in Boston. The social agencies in one section of the city recently became concerned with the families living in one block. There are 21 families with 106 children living within this block. These families have been known to social agencies for two generations. Public and private case-work agencies, group work agencies, health facilities, courts and correctional institutions are all represented. Yet today the same problems prevail, such as alcoholism, non-support, marital discord, stealing, sex delinquency, poor parent-child relationships, truancy, bad housing, unemployment, inadequate income, ill health. The questions raised by the social workers at this point very naturally are, what are the reasons for our failure, how can we prevent this pattern from spreading into nearby areas, what can we do to effect a change? This problem was presented to, and accepted by, the Research Division of the United Community Services of Greater Boston as a project. It is hoped that some of the questions raised may be answered to the point of assisting social workers in developing new insight and skill in the treatment of delinquency. At present no one can conjecture in reference to the findings, but the important

fact is that social workers in the community recognize the importance of research based on their practice.

Although the social agency does concern itself with the treatment of the delinquent, its emphasis, as I have indicated previously, has shifted to prevention and the treatment of the pre-delinquent. The public is beginning to accept the fact that social work is broader in scope than treatment of the more serious social problems. It has also learned that just as it is important to be concerned with prevention of illness in health care, so in the social life of the individual, prevention is basic. Again, the public has become more aware of early symptoms leading to social breakdown, and thus persons are often referred for help before the problem becomes too serious in character. It is therefore natural that the social agency should assume greater responsibility in this aspect of the problem where the skills that have been developed in casework, group work and community organization may be utilized effectively.

Social Worker Responsibility

Although this position is sound, the danger in such an emphasis is that the agency will not continue its concern in the study and treatment of the delinquent group who have been unable to respond to the skills that we have so far developed. However, just as the medical profession maintains its active interest in the study of cause and cure of chronic illnesses, so should the social worker assume a responsibility in regard to chronic social illnesses.

If this principle is true then we can assume that the social agency may define its function to include cooperation with correctional institutions in the care and treatment of delinquents. Unfortunately the training school is too often considered, not only by the social agencies but by the courts as well, as the last step to be taken. From my experience on the board of trustees of the

Massachusetts training schools, it seemed to me that this was the usual concept. Also, the training school was not considered as a place primarily for treatment but rather as a place to keep the child out of circulation, the social agencies, including the courts, having failed. This misconception results in a defeatist attitude on the part of social agencies toward the children who are committed and failure to accept some responsibility for helping the family and child upon his return to the community. To illustrate this point:

Jane, a fifteen year old girl, had been adjudged a delinquent because of truancy and stubbornness. While on probation she got into a fight with a group of children who attacked the director of a boys' club. At that point she was committed to a correctional institution. Jane's family was socially inadequate. The mother had a history of promiscuity. Income was insufficient and the father was irresponsible regarding his family. They had been known to various social agencies in the community for a number of years.

Jane remained in the institution for a year. The home to which she returned was still inadequate, and the income was far from sufficient for minimum needs. Jane, who was illegitimate, has difficulty in relating to the family group, although she was not willing to accept placement in a foster home. She returned to public school where she again presented the problem of truancy. The social worker from the training school worked closely with the public school with the result that Jane's record improved.

Because the family was inadequate and in need, not only of financial assistance but of supportive help, the social worker contacted the agencies in the community who had known the family in the past. A case conference was called. The record of this conference indicates negative attitudes that would affect further treatment. To quote: "The agencies seem to feel that the family has shown no improvement and they all are dis-

couraged." The public welfare agency did agree to supplement the income and a private agency then agreed to supervise the home. The social worker then adds in her record, "Visitor pointed out that progress in this family will be extremely slow and that much patience is needed from all the agencies that are helping." One can appreciate reluctance to enter into this situation again, but isn't this a type of case where the social agency could review past treatment with the purpose of developing a new approach? Doesn't one get the feeling that because of past failures the social agencies who had been attempting to help this family failed to see the present situation and what their role might be in the social work process?

To bring about effective cooperation between the community agency and the correctional institution, it is important that each understand the other's functions and the limitations of each in service to delinquents. At the present time there seems to be some confusion on the part of both the institution and the agency as to their respective roles. Just as the agency often does not recognize the institution as a treatment center, the institution also at times fails to recognize that the social agency can assist in the treatment process by working not only with the delinquent, but also with his family. To work out a cooperative relationship there is need for clarification as to the function of social agencies and institutions.

Function of the Training School

The purpose of the training school is clearly defined by Richard Clendenen in a paper given at the 1948 National Conference of Social Work entitled, "To Synchronize the Training School Program with Life in the Community." To quote: "A training school program is planned to provide for a temporary period of treatment and training for children who are in need of protective group care. The child does not stay in the

training school indefinitely, nor do the personal relationships formed there replace family ties. The child may be in the institution for a year, even two or three years, but sooner or later he exchanges his life in the protective environment of the institution for one in the outside community, and resumes some form of family living. The focus of the training school program, therefore, must be upon training the child to live in the larger community outside the school, not upon training the child to fit into an institutional program." If we accept this statement as the purpose of the training school, it becomes obvious that the institution must be considered as one of the resources available for social treatment of the delinquent child.

Thus placement of the child in an institution is not merely to protect society against delinquent conduct, but even more important, to help the child work through his conflicts and gain a constructive attitude toward himself and society to the point where he can be restored to the community. This does not mean that the child is institutionalized until he has become a stable, socially useful person, but rather that he has been helped in a group protective setting so that with supportive help he can begin to work out his relationship with his family and the community. This indicates the need for and the use of the social agencies in the community, such as the family and children's agencies, child guidance clinics, group work agencies, etc.

Certain problems are involved in working out a co-operative relationship between an institution for delinquents and the social agency in the community. The institution at times fails to recognize that the casework and group work processes have not yet been developed to the point where they can be very helpful to certain individuals such as the so-called psychopathic personality. The social worker as well as the psychiatrist recognizes that the prognosis in some of these cases is very doubtful, and it is not always possible to reach this type of

child and to establish a sustaining relationship through the casework or psychiatric skills commonly used. Again the institutional worker has to consider the time when a social agency might be helpful in the treatment process. The child must be ready to accept this help and have a desire to change. At times, because of the need on the part of the social worker representing the institution to bring about change, the child is referred to a child guidance clinic without careful interpretation and without the feeling of participating in the plan. The delinquent often sets up patterns and attitudes that protest against change in himself. If the worker refers the child to a psychiatric clinic when these attitudes predominate, the child complies and reports to the clinic, because it is demanded of him, but only his body is present and he is likely to build up greater resistance toward change and the development of a constructive attitude toward life. It requires sound diagnostic skill to determine when to refer to a psychiatric clinic. The worker must be able to distinguish between the child's expressed desire for change and his capacity to accept the responsibility for such activity. It is difficult for the social worker to stand by in certain critical situations and realize that the child is not able to use the resources available that might well effect a change.

The case of Martha, an adolescent girl, released from a training school for three years under supervision is an illustration of this. Martha comes from a broken home. Her father has a history of alcoholism with twelve arrests for drunkenness. The mother is also an unstable person who has reportedly been living with a man she has known for a number of years. Martha was committed to the school after a period of probation. She had a history of sex delinquency. Before commitment the girl was studied at a psychiatric clinic. Their report was as follows: "Superficial and facetious. Totally without insight and could not understand why her behavior was socially unacceptable. Patient appears to

minimize emotional difficulties which might have been produced by her unhealthy home environment. We did feel that there was probably a marked environmental factor responsible for her delinquency. Normal intelligence, but did not function consistently on this level. We felt patient belonged in the group of inadequate personalities and that the prognosis was not very favorable."

During the period following release from the institution, Martha was placed in foster homes, homes of relatives and her mother's home. She made a poor adjustment during the entire period, working irregularly, disappearing for weeks at a time from her various placements, and being twice under the care of a clinic for a venereal infection. Approximately a year ago she attempted suicide by turning on the gas. At that time Martha and her mother asked about psychiatric help. However, from the record it seems obvious that the mother was requesting this, rather than the girl. Martha was referred to the same clinic where she had been previously. She kept one appointment and refused to return on the basis that she had gotten a job. At the present time Martha is illegitimately pregnant and is being placed in a public hospital for confinement. When this problem arose the social worker consulted with a local family society who offered to assist the girl in working through some of her conflicts and enable her to accept help. The success of this social worker cannot be determined inasmuch as Martha was only recently referred to the family society.

It seems obvious in this case that the social worker, aware of the seriousness of the problem at the time of the attempted suicide, became active in arranging for psychiatric service. However, from the agency record and the report of the psychiatrist prior to the commitment of the girl, one would question whether she could use psychiatric help. As the first report recorded, Martha was superficial, lacked insight, and the prognosis was poor. She gave the impression throughout the entire

period of treatment of being unable, because she was caught up in a very bad environmental situation and because of her basic inadequacies, to use psychiatric help effectively.

Defining Fields of Activity

Another problem that might arise in a cooperative relationship between the institution and the social agency is the failure to define the respective roles of the two agencies involved. If the agencies fail to work out their respective roles and to clarify their functions as the treatment process is being carried out, the child may become confused in the meaning of these relationships. When a child is insecure, hostile and rebellious toward adult authority, it is easy for him to handle these feelings by pitting one adult against the other. If both these adults are establishing and maintaining a close relationship with the child to help him develop a positive, constructive attitude toward life, which implies considerable change on the part of the child, it naturally follows that the child will unconsciously or consciously play one adult against the other as a means of protecting himself against change. At times it might be well for the social worker from the institution, who has decided that a casework agency in the community should assume responsibility for the casework, to maintain little if any direct contact with the child.

As an example of this type of relationship between agencies there is the case of John, a twelve year old boy. John had been on probation and on a suspended sentence to the training school for breaking and entering, larceny, truancy and maltreatment of a girl. At the time when commitment was decided on, it was learned that he had a cardiac condition from rheumatic fever. He was placed in a hospital for medical care and when he was ready for discharge was transferred to the reception center of a state agency responsible for the care of delinquents. John's father was in the army, and his

mother was reported to be a probable psychotic or psychopathic personality. The child had been referred to a child guidance clinic when he was four years of age because of enuresis and "destructive behavior." He was described as being "extremely hyperactive." John is of dull normal intelligence. He was studied in the reception center for two months. It was recommended that he be placed in a foster home where he would receive understanding and acceptance and also where there would be other boys approximately in his age range. A private child placing agency was asked to consider the case for placement and supervision. John was accepted by this agency and has been under their supervision for the past year. The worker reported at the end of six months that "the boy relates easily to the foster parents and the other boys. He gives and seeks affection. His health has improved. The boy shows emotional growth and the ability to act constructively." Since this report John has continued to show change and development into a socially responsible boy. The state social worker has kept in touch with the private agency and the state has paid the costs involved. However, the state social worker has had no direct contact with John.

This case points out clearly the importance of the roles of the respective agencies, public and private, and the definition of function of the social workers involved in the treatment process. Although there are two agencies actively concerned in the treatment, John knows only one worker to whom he relates and works through his problems. This seems to be particularly important when the child is having to work through relationships with foster parents at the same time.

Cooperative Relationships

It seems evident that the social agency in the community has concern and responsibility for the treatment

of delinquency and that it is important that cooperative relationships be worked out between the institutions and the social agencies. First of all, in many cases the child or his family was known to a social agency or a number of such agencies before commitment to an institution. Secondly, institutional care is a part of the treatment process with the ultimate objective of returning the child to the community. Is it not logical to conclude that a social agency that was interested in the child before commitment might well be the natural source of help upon the child's return?

If this is accepted, then it seems essential that certain objectives be established to carry out an effective cooperative relationship. First, the institution must have an understanding of the individual agency's functions, and on the other hand, the social agency must have a clear appreciation of the institution's functions. It is necessary for both the agency and the institution to accept the differentiation in services and be ready to use these services in helping the child become a socially responsible person. In addition, one may conclude that before the child or his family is referred to a social agency, it is essential that the worker from the institution have a conference with the worker from the agency to clarify the respective functions of each and the nature of the relationship that each will maintain with the child or family in the treatment process. As treatment progresses one recognizes that there may be shifts in emphasis and in relationship. Therefore, it seems imperative that the agencies involved should have regular and frequent conferences to evaluate the treatment process and the necessary changes in treatment goals.

Both the institution and the social agency are established to serve the child and his family, helping them to become socially useful people. Therefore, within the framework of the agency relationship where there is concern in reference to professional responsibility and thus professional function, one cannot lose sight of the ulti-

mate objective of all social agencies, namely, to serve individuals who are confused, disturbed, hostile or rebellious so that they may become individuals who can accept responsibility for action and learn to live no longer apart from society, but instead as a member of society.

Relationship of the Correctional Institution to Community Agencies¹

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PRECEDENT has unfortunately labeled the correctional institution, especially the training school, a sort of social garbage can. Even some professional people have the idea that it is merely a stopover in a life of crime that ultimately ends with a long sentence in a penitentiary. Sadly enough, this is all too frequently true. It is true because too little was done for the boy or girl at a time when it was needed the most. Sending a boy to a training school as a last resource automatically becomes a punitive measure. Medical science uses hospitals at the earliest possible date to prevent as well as to cure. Emotional sicknesses or personality disturbances may necessitate institutionalization at an early date for more constructive results. This is not to be misconstrued as raising the age-old question of institutional treatment versus community resources. It is merely facing the reality of a situation. We have institutions and we talk about institutional treatment. This being true, cases should be intelligently referred to correctional institutions at a time when such referral is logically in accord with an adequate diagnosis.

Paramount in our discussion of community agencies are the courts and states attorneys' offices because all our cases have been active with both. Many of our children get off to a bad start because their first knowledge of a training school comes as a traumatic experience. The institution is chronically used as a threat during court hearings, probation or detention. By the time commitment is imminent it has become an "I told you so"

¹Paper given at the National Conference of Social Work, 1950.

affair, and the institution looms as a place to do time and be punished. To add to this misconception the boys are frequently told, "We are sending you out there for a few months," or "You'll be out in about a year if you are good." The boy reacts in the only sensible way. He decides to do the time stated and get out. In the meantime the institution may be thinking in terms of treatment and length of stay is to be determined by this. Do we wonder why we have trouble with a boy or why he no longer responds to us at the end of a few months or a year? He is merely conditioned to a prearranged emotional time bomb that was set by some well-meaning social worker, state's attorney, or judge. One quite sincere judge uses the following interpretation in committing a child to an institution. "Life is like a baseball game. In a baseball game you have three strikes and you are out. We have gone along with you and you have had two strikes. Now you are back again and this is your third strike." In other words, three strikes, the end of the line, everyone has failed, off to the correctional institution. These same people will insist that the boys are being committed for treatment. A fine start for a therapeutic relationship.

The importance of proper preliminary interpretation of commitment should never be minimized. In Illinois for example we spend in excess of a million dollars a year for the maintenance and operation of a training school. No one would dare say that such a sum of money is being spent merely for punishment or because we have come to the end of the road and have no other place to dump a boy. Even our severest critics refer to the rehabilitation of delinquents and frown on corporal punishment and brutality. You and I call the process treatment. Regardless of terminology, there are basic principles involved and they must be demonstrated before the boy arrives at the institution. They must be acted upon in the community.

If the state is spending a million dollars a year for

rehabilitation or treatment, why shouldn't the community agencies adopt an attitude in keeping with this purpose? The punishment aspect will take care of itself and doesn't need a magnifying glass. It is possible to explain to a boy that various things have been tried and that he has failed to respond to them, inasmuch as he apparently doesn't understand his own problems or the problems about him because he continues to live and act in a way that is not acceptable to society. He could also be told that since he has not been able to work these things out, a different approach must be used. A good analogy for this interpretation is the boy's understanding of doctors and medicine. If one medicine doesn't work, the doctor tries another. If a patient isn't getting well at home, he is moved to a hospital. If the patient is quite sick the doctor does not commit himself as to the length of time involved in bringing about a cure. A boy can understand these things and there is always the chance that he will have some advance understanding of the elaborate program of which he will become a part. The moral aspect can easily enter in as a part of the interpretation of commitment. With this approach the court has taken care of its obligation to explain that a law has again been violated, and the boy has a chance to understand why he is being sent away. A classical example of this is a rather sensational case of a boy recently committed to our school. Months of headlines preceded commitment. As a result of statements in the court, the boy thinks we are to keep him for a period of eight months. The very fact that it was a sensational case indicates a quite disturbed boy, and the treatment plan must be indefinite. Each month beyond the eight he has come to expect, this boy becomes less receptive to treatment and a greater runaway risk.

Our subject necessitates a look inside the institution for a few minutes. We might find a complete diagnostic clinic that is answering most of the whys of individual cases and recommending what might be done to bring

about a change in the individual. At this point the institution is frequently placed over the proverbial barrel. Therapeutic techniques within the institution are frequently not enough in themselves to assure a change or cure. Hence we must again look to the community for resources. As we consider the total personality integration of a boy we visualize the social, economic, cultural, and emotional climate that he has been living in. Many times these surroundings generate fears and gnawing anxieties which the boy tries to work out in the only way he can find—in delinquent acts. Hence it is impossible to effectively operate an institutional treatment program in a vacuum, apart from the community. As our scientific experts interest themselves in how a boy thinks, feels, and behaves, it is only logical that the family as a part of the community has a high priority among our concerns. The more general social ills such as inadequate housing, unemployment, insufficient medical services, unequal educational opportunities, congested areas, discrimination and race prejudice are important and manifest themselves in the personal and inter-personal lives of our boys. But because these are of such a general nature, the correctional institution is only able to pass the information on to those who work directly with such problems. In most cases we must look to a social agency to assist in alleviating such situations.

We are working with individuals and individual diagnoses, with the specific pathological aspects of a boy's personality usually arising out of poor relationships. As we look at the involvements in personality development, we see that from treatment in an institution a miraculous return is expected out of a rather small potential. At this point we have strong feelings about community agencies and their relationships to institutions, particularly those receiving younger children. We have no minimum age at our training school, hence it is not unusual for us to receive ten year old boys, occasionally some even younger. With these children the clinic staff

repeats almost daily such comments as, "If there were only some way to have work done with this rejecting mother," "If there were only some way to have someone see this father or these parents," "If there were only some way to coordinate our treatment efforts with a treatment program for the family." The day when this hits us the hardest is when long-considered placement plans must definitely be formulated.

The interplay of family personalities has been the most important factor in the development of a boy's personality; hence the family must also be seriously considered in our planning. A corrective institution must not be a social trash heap. It must be a specialized resource working cooperatively with other community agencies to attack or solve problems of the individual needing this specialized care. The medicine of its program is not too different basically from the medicine of a good community agency, except that it works with certain restrictive controls. Having this function in the total community, there doesn't seem to be any reason why a training school cannot operate like any other specialized institution. If a mother is confined to a tuberculosis hospital for treatment, the community immediately considers the total family, and if necessary treats other members. The mother is protected from reinfection upon her return. The personality of the delinquent and of his family need the same consideration. Let us look at a typical case:

John is of average size, fairly well developed but non-muscular, a baby faced, fifteen year old, white boy who manifests to a pathological degree, emotions alternating between a state of stubborn, obstinate defiance, with a tremendous amount of hostility and anger, and a cooperative, friendly, passive, dependent reaction. His delinquent record includes numerous acts of burglary, usually in company with other boys and occurring in periodic episodes over the past two to three years. As his reason for such acts he states, "I felt I wanted to

get revenge upon people; I hate all people, I feel they are against me." He also adds that sometimes when he would get angry with his mother or father for various reasons he would embark upon one of these episodes of stealing. He has usually been caught because he was so accessible to apprehension that it appeared he was unconsciously seeking punishment.

The family picture reveals much of significance. The father at the present time appears to be a warmer, more outgoing and giving person than the mother, and within recent years his relationship with the boy has been a more stable one. However, during the boy's earlier childhood the father drank considerably, and at such times he would irrationally beat his children, and John developed an intense fear of him. The mother, who is thirty-one years old, appears to be an introverted, narcissistic individual who has many hypochondriacal complaints, and is absorbed within her own psychosomatic ailments. She is cold, lacks real understanding, and although intelligent, often makes comments to the boy personally and in letters which upset him, usually about her own poor state of health or that of some other member of the family. It is to be noted that when this boy was small he was unduly dependent in his attachment to the mother. She, still an adolescent at marriage, gave birth to four children within the first five years. She was not able, then or later, to meet this boy's needs and demands in a normal, healthy manner, and hence he became more dependently related to her in seeking to meet his ungratified infantile needs. Fear of his father likewise tended to drive him closer to his mother. As he grew older he became more or less her appendage, and took an interest in such feminine activities as housecleaning and cooking. In addition he assumed a feminine kind of responsibility for the care of his younger sisters to please his mother.

Because of the frustration arising out of deeper ungratified needs and his mother's lack of understanding

and real feeling, his hostility toward her became more obvious to him and created feelings of anxiety. Also beginning adolescence with more conscious striving for true masculine status increased the conflict, and the anxiety and frustration.

For this boy to change much in his feelings and his personal and social attitudes, there will have to be concomitant changes in the attitudes and feelings of the persons in the family, particularly his mother. Most important are her encouragement and help for him to attain masculine status and the mature role for which he is striving. He must break away from this dependent, infantile relationship by gaining a healthier and more normal type of love, understanding, and acceptance from her and also from his father. This can best be accomplished through a community agency while the boy is in the institution, if he is to be returned to his own home with a chance to make a fairly adequate social as well as personal adjustment.

This case is not unusual, in fact it is probably a good clinical example of a situation that arises every day in the clinic of a correctional institution. Foster homes do not solve all our problems. The potential of greatest therapeutic value is of course the real father, mother and siblings, providing the interplay of these personalities can be brought to a healthy and balanced state. This boy costs a state government anywhere from \$2000 to \$3000 a year in the training school. With such an investment it seems logical that we consider the return on our money. It will be much greater if community agencies become a part of the treatment program too often delegated wholly to the institution, and assume responsibility for modifying the unhealthy conditions contributing to the boy's delinquency. Not every case needs this type of coordinated treatment, but as our institutions swing over from a philosophy of corporal punishment and brute force, we are exposing more and more the reality that many delinquencies are symptoms of an

underlying personality disorder. Since we are so frequently concerned with personality disorders it is only logical that the correctional institution must become more than a scenic place in the country, more than an end-of-the-road stop for those who are living examples of our social failure. It must become a part of the community, and community resources must work hand in hand with it to remove basic causes of the emotional and social ills of our delinquents.

The Training School and the Community

Third and very important in this relationship is continuity and correlation between the institutional program and placement of a boy in the community. Whether this is done by a social agency or a qualified placement service is not too important. The idea of giving a boy a new outfit of clothing from head to toe and a couple of dollars for pocket money, and expecting him to face the community in a relaxed, secure fashion is a bit absurd. Is there one of us who doesn't feel a bit freakish the first time he wears a new hat? Our boy is also thrown into a new treatment process called supervision which may not have been properly interpreted. In many cases he has to face an additional change because of a different approach in treatment, a change which should be as gradual as that of a patient leaving the hospital and entering convalescent care. You are probably thinking, "That is the jackpot question; it sounds fine but how is it accomplished?" As I see this phase of social work, it is full of jackpot questions.

This isn't just our problem. It is the problem of every person in the community. Have we made an all-out effort to make it so? Sometimes I think social workers wish the community would come to us. By the same token I think the institutions have been shying away from the community rather than forcing the community to face these problems with us. These are the problems

of every man and woman, every service club, every social club, and every social agency. If a mother needs help to effect complete treatment of her delinquent son, then let's say it and do it and stop trying to see how independently successful we can be. If treatment for members of a family should run concurrently with treatment of a child, then let's say just that and get out of the rut into which we have been burrowing deeper and deeper for the past generation. There are emotionally sick mothers and fathers, and they have sick children. These primary interpersonal causes are deeper and more basic to our attempts at understanding behavior problems than are the socio-economic implications woven into such cases. These emotionally sick mothers, fathers and children can be helped to a greater degree if we attack the basic factors from all sides. The mother mentioned in the illustrative case needs treatment. She needs it right away, while the institution is attempting to help her son gain insight into his problems and start growing up. If the mother could get such treatment and the father could be helped to better understand the situation, placing the boy back in the home might be possible as a logical and natural step in a whole process of cure. The social agency with the proper philosophy and qualified staff must therefore ally itself with the correctional institution, and not think of it as a remote school too far away to be a part of community services.

Gilbert and Sullivan's amusing but unfortunate recommendation to let the punishment fit the crime is slowly giving way to a philosophy of scientific treatment and understanding. Social workers, prosecutors, and judges must realize the purpose of a training school and attempt to use it within this defined purpose. Its philosophy must in turn permeate agencies, institutions, and after-care programs. As this oneness of thought breaks down barriers that have existed for so long it will give us the opportunity to reevaluate our programs. This will never happen as long as judges and states attorneys cling to

the power of acting as doctor, psychiatrist, psychologist, and general superman in understanding behavior disorders and prescribing the treatment needed. This will never happen as long as trial by pressure, public opinion, or favoritism is allowed, nor as long as institutions are used as "social disposal plants" and then are criticized because they are unable to do a job. This will never happen as long as public officials use the correctional institution as a "fall guy" for their own apathy, inertia, and ignorance. This will rarely happen if community agencies keep their intake doors closed to the delinquent. This will seldom happen if treatment of family members in the community is not concurrent with treatment of the individual in the institution. This will be most difficult to accomplish if placement and aftercare are divorced from the philosophy of treatment. We must all take bold steps to interpret proper commitment procedures, the philosophy of a treatment program in an institutional setting, and the absolute necessity for follow-up or aftercare procedures in accord with this basic philosophy.

IV ORGANIZATION OF PROBATION AND PAROLE SERVICES

Parole Progress

RANDOLPH E. WISE

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THE history of parole in the United States may be divided into three logical phases: 1) the awakening; 2) the coordination; 3) the examination. The phases are not clearly defined by time limits as they overlap, but rather by the accomplishments peculiar to each. The awakening phase dates back to the first state parole legislation and carries through to the time when all states had enacted laws pertaining to release from penal and correctional institutions, a span of approximately one hundred years, from 1837 to 1944.

The second phase, that of coordination, saw its beginning and fulfillment within the nineteen thirties when states became increasingly concerned with mutual responsibilities arising from the exchange of parolees, one state with another. Three noteworthy events took place during this phase, which perhaps more than anything else brought into clear focus public responsibility for the proper administration of parole.

1. The act of Congress of 1934¹ granted "the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes." This act made the interstate compacts possible.

2. In the organization of the American Parole Association in 1933 a medium of professional expression and a stimulus for professional development was provided.

¹ 48 U.S.C.A. 7, 420

3. The First National Parole Conference, called by President Roosevelt, convened in Washington, D. C. in April 1939. In this conference the outstanding parole and correctional leaders of the day pooled their experience, knowledge and ideas to establish practical criteria. The Declaration of the Principles of Parole which resulted was the outstanding accomplishment of this conference.

Since 1939 we have been in the period of examination, of scrutiny, the day of critical reckoning. What have been our gains? Our losses? Can we look back with pride? Is the future of parole clearly defined? Are the goals of tomorrow in view? Are they obtainable?

An evaluation of the progress made during the early period, an analysis of how and to what extent the standards developed during the coordinating period have been used and applied, will give us the status of parole in this country today. Such disclosure will to some extent justify pride, but it will also forestall ill-founded gloating over present day parole administration.

Awakening

The first parole legislation, according to the *Attorney General's Survey of Release Procedures* published in 1939, was enacted in Massachusetts in 1837. In effect this was legislation for conditional release. It wasn't until 1846 that an agent was appointed to assist released prisoners to obtain employment. New York is credited with first having the word parole used in the statute, when legislation was enacted in 1877 relating to reformatory inmates. The thought which stimulated enactment of such legislation dates back considerably further. Although it might be enlightening to delve into pre-legislative history, suffice it to say that the philosophy of this initial thinking is substantially the same as that which underlies parole today.

It would not be redundant to restate the philosophy of parole, considering whether the philosophy is sound,

and the practice fulfils the objectives of the philosophy. The history of parole reflects two principal concerns—for the individual and for the society of which he is a member. Emphasis has varied. One school believes that the rehabilitation of the individual supersedes all other considerations. Another faction feels that the primary concern of parole is the protection of society, and that all the energies of a parole agency should be directed to this end. Both factors must be included when parole is evaluated in philosophical terms.

Parole is a method of conditional release of an inmate from a penal or correctional institution after he has served a portion of his sentence. The release is conditional because the uncertainties of human behavior preclude unqualified liberty for one who has previously violated society's laws. Parole was devised for the distinct purpose of reconstructing a human personality, of engendering strength where weakness prevailed, of restoring individual dignity.

As society has certain duties and obligations towards the individual, so too the individual must assume certain responsibilities and obligations towards society. Therefore certain bulwarks must be erected to protect society from criminal acts, to curb the repetition of delinquency, and to perpetuate the state's guarantees of protection to life and property. Thus the interests both of the individual and of society are found to be complementary in parole, and to some degree are spelled out in the parole laws.

Today parole laws are in effect in every state, the District of Columbia, the federal government and in all of the territories. It took quite a span of years to go this far but now the first essential of any parole program—legislation—is found in each jurisdiction. Thus the era of awakening, in which each state recognized a need to enact parole legislation which began with Massachusetts in 1837, was completed in 1944 when Mississippi's parole law was enacted.

It is interesting to note the spasmodic manner in which states acted. Up to 1860 only Massachusetts had parole legislation, and thereafter as shown in ten year groupings other states adopted such legislation as follows:

| <i>Year</i> | <i>States</i> |
|-------------------------------|--|
| 1837 | 1 |
| 1860-1869 | 2 |
| 1870-1879 | 1 |
| 1880-1889 | 8 |
| 1890-1899 | 13 |
| 1900-1909 | 14 |
| | (includes one territory) |
| 1910 ¹ -1919 | 8 |
| | (includes two territories and District of Columbia) |
| 1920-1929 | 2 |
| 1930-1939 | 0 |
| 1940-1944 | 3 |

¹Federal parole law

Perhaps the most glaring weaknesses during the period of awakening were the insufficiency of personnel to do the job and the inadequacy of budget with all of its attendant evils. In 1936 there were 191 parole officers and today there are over 1100 but at no time in the history of parole has there been personnel sufficient to administer parole in keeping with professional standards. Only recently have parole staffs been increased to bring the national average caseload per officer in the vicinity of the hundred mark. Under such a burden it is unlikely the practice of parole can accurately express its theory.

Another inadequacy inherent in the awakening period was the failure to interpret parole to the public. It is true that some interpretation had to be provided before a legislature would act upon the question. However, after some hundred years of experience the term parole is still

misused. Judges, attorneys, even social workers use the word recklessly. Parole is interchanged for probation, and probation for parole. The press especially has a propensity to misapply the term. In the newspapers it refers to anyone who has served a term in prison, regardless of how long ago or how released; it even refers to a defendant admitted to bail pending trial. Now its connotation is so objectionable that child welfare workers want no part of it when speaking of a juvenile released from a training school.

Coordination

As was indicated previously, in 1934 Congress authorized compacts among the states to control crime and to treat the offender in the community. States responded quickly to this enabling stimulus and by 1937 twenty-five had become signatories to the compact. By 1940 nine more were added and now all except North Carolina and Texas are signatories. At the present time more than 6000 parolees are supervised through this out-of-state arrangement. The benefits are too numerous to list here. The interstate compact machine is running more smoothly today than it has in the past. There is a direct relationship between quality of operation and caliber of the individual directors. So long as parole administrators have no knowledge, experience or competency to understand its aims, just-so long will disagreements and tangles exist. When administrators consider the welfare of the individual in the same perspective as the welfare of the state, the compact will function as anticipated.

This coordinating period likewise saw the creation of the American Parole Association. For the first time parole was provided with a clearinghouse to which all jurisdictions could turn for information. The achievements of the APA have been manifold, not the least of them the increase of respect and esteem which parole enjoys today, and which certainly was not its boast pre-

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viously. It is with considerable pride that as a result of the amalgamation of the American Parole Association and the National Probation Association I find myself in a position to carry on with the facilities of both national organizations the program, the ideals, and the objectives as first promulgated by the American Prison Association.

The First National Parole Conference was called to achieve three major objectives: 1) to present facts about parole, 2) to reach an agreement as to standards and procedures in administration, and 3) to point the way to closer cooperation between the federal government and the governments of the several states.

A review of the proceedings of that conference reveals that the objectives were reached and that criteria heretofore lacking were clearly set forth. The standards formulated through the efforts of the outstanding correctional leaders of the day participating in this conference serve as a challenge to parole administrators to reconcile practice with theory. An evaluation of present day procedures will disclose to what extent this challenge has been met, to what degree it has been ignored.

Examination

Out of experience certain general criteria for parole administration have been developed. To evaluate the status of parole in this country today it is necessary to compare practices with proven norms. Such standards are as follows:

1. The authority to grant paroles should be vested in a board rather than in an individual, and the board should give full time service and receive adequate compensation.
2. Members of the board should be selected on the basis of integrity and competence, without reference to political affiliations.

3. The parole authority should have broad discretion.
4. Parole consideration should be given all inmates, and should not depend upon the initiative of the inmate himself. Reconsideration at stated intervals should be given those who have been denied parole originally.
5. Requirements for establishing parole eligibility should be clearly formulated.
6. Every applicant for parole should be granted a personal hearing by the parole board.
7. There should be available to the board complete, accurate and up-to-date information concerning the applicant and his parole plans.
8. The parolee should be provided at the time of release with sufficient funds and clothing to assure maintenance pending receipt of regular earnings.

Parole boards vary in size from a one man commission to a seven man board. In six states the paroling authority is vested in one person.¹ There are no two man boards. The three man board is the most widely used as it is found in twenty-six states, the District of Columbia and in Puerto Rico.² It should be noted, however, that only eleven of these are full time boards. Seven state boards are made up of ex officio members only. Michigan is the only state having a four man parole board; these members serve full time. In Pennsylvania if the board does not grant parole when the minimum term has been served, the pardon board made up of four ex officio members may order it. This provision of the law has seldom been invoked.

Nine states, the federal government, and Hawaii have

¹Colorado, Kentucky, Maryland, North Carolina, South Dakota, West Virginia.

²*Full Time*—Alabama, California, Florida, Georgia, Iowa, Missouri, Ohio, Pennsylvania, Texas, Virginia, Washington. *Part Time*—Arizona, Delaware, District of Columbia, Louisiana, Minnesota, Mississippi, New Jersey, Oregon, Rhode Island, Puerto Rico. *Ex Officio*—Idaho, Indiana, Kansas, Maine, Montana, Nebraska, Tennessee.

five man boards.¹ Except for the United States Board of Parole, New York and Illinois have the only full time five member boards. Three states and Hawaii have part time boards and four states have ex officio five man boards.

South Carolina and New Mexico are the only states having six man boards, the first a part time board and the second ex officio. Connecticut, New Hampshire and Utah have seven man ex officio boards.

Only in Florida and Michigan are parole board members appointed on the basis of competitive examinations by the Civil Service Commission.² Elsewhere they are appointed, usually by governors and occasionally by some other state official, as for example, the chief justice of the supreme court. Some able persons have been so appointed but to a considerable degree this practice has been abused; ill-advised appointments have made parole the hangdog of corrections. Salaries for parole board members vary from nothing (or \$10 per diem) to \$15,000 a year.

Statutory provisions for parole eligibility range from absence of a limitation, through expiration of minimum sentence to service of half the sentence. In fourteen states³ inmates may be considered for parole any time after commitment. Twenty-five jurisdictions allow parole consideration upon expiration of the minimum sentence, and of this number, twelve advance the eligibility date by virtue of good time allowance.⁴ The United States and eight states set the eligibility date at one-third of the sentence.⁵ Jurisdictions vary greatly as to

¹Full Time—United States, Illinois, New York. Part Time—Massachusetts, Minnesota, Oklahoma, Hawaii. Ex Officio—Arkansas, Nevada, North Dakota, Wyoming.

²Since this paper was written Wisconsin has adopted this provision.

³Alabama, Arkansas, Georgia, Iowa, Louisiana, Maryland, Minnesota, Missouri, New Jersey, Ohio, Oregon, Pennsylvania, Utah, Wisconsin.

⁴Arizona*, California, Colorado, Connecticut, District of Columbia, Illinois*, Indiana, Hawaii*, Kansas, Maine*, Michigan*, Nebraska, New Hampshire, New Jersey*, New Mexico*, New York*, North Dakota*, Ohio*, Pennsylvania, Puerto Rico*, South Dakota* (indeterminate sentence prisoners), Tennessee*, West Virginia, Wisconsin, Wyoming. (*Less good time.)

⁵Florida, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Texas.

barriers to parole consideration. Three states, Delaware, Kentucky and Washington, deny consideration to persons convicted of rape; treason is a barrier to parole in Indiana, Kansas, Nebraska and Ohio; life termers are denied parole in nine states¹; definite sentence prisoners are not eligible in Tennessee and New York, but in the latter state good time allowance is served under supervision of a parole officer. Three states and the United States require a good prison record. In New Hampshire if a prisoner has observed all the rules he is "entitled" to release on parole upon expiration of the minimum term. These are merely some of the restrictions found in the laws which limit the discretionary powers of many boards. Iowa and West Virginia require applicants who intend to reside in other states to post bond before being considered. Tennessee exacts payment of a monthly fee of two dollars during the first year of supervision. Vermont demands that the inmate pay all costs attendant on his arrest and prosecution before parole is granted. Only in about half the jurisdictions is the applicant for parole given a personal hearing by the parole board. Montana and Texas have no field staff. In Texas volunteers are called upon to supervise but such an agreement is found in only 24 of the 254 counties. It is unusual for an inmate of a road camp to be granted a parole hearing though Virginia, Florida and West Virginia do hold hearings at road camps.

The conditions with which a parolee must comply while under supervision vary too greatly for evaluation here. Suffice it to say more than 65 different conditions are stipulated throughout the country. Some are meaningless routine regulations, some are unduly restrictive trivialities. There is just no measuring the confusion this variation causes, especially when parolees are interchanged among the states. If such confusion exists within the field itself how can the public be enlightened, espe-

¹Louisiana, Michigan, New Hampshire, Ohio, Oregon, Pennsylvania, Virginia, Washington and Wyoming.

cially at a time when proper public interpretation is imperative.

For the most part parole has made progress. The democracy in which we live is based on the value of the individual, the majesty of human dignity. In the area of criminology parole fulfils this doctrine as it is the only means of releasing an individual from confinement based on specialized study and observation. Where do we go from here? The awakening of the last century and the early part of this century has led logically to a joining of interests, to a pooling of resources for better parole administration. The coordinating period has screened out the superfluous, the picayune, the dregs, the guesswork. During this period have been salvaged the proven and the accredited. From that experience have come desirable norms, incentives for improvement. Yet in the overall picture of parole today in order of frequency we find efficiency but also mediocrity and sham.

When we rid parole of venal political influences; when we recognize that parole, like probation, is inseparably a part of democratic and humane judicial procedure based on individual study; when we realize that skill, knowledge and experience are indispensable to efficient administration; when we realize that senseless impedimenta to parole frustrate rather than enhance attainment of philosophical objectives; when we decide that the public should be advised properly as to the objectives and methods of parole; when we have citizens clamoring for good parole administration and active, dynamic lay interest and support of our parole programs; then and then only will all parole authorities accept professional standards and progress to the point of self criticism. The periods of awakening and of coordination are over. The period of examination has brought with it courage, strength and determination to achieve the goal of a true profession.

The Functions and Responsibilities of Parole Boards

GEORGE G. KILLINGER

Chairman, United States Board of Parole

THERE are different types of release following incarceration, but in general the public does not differentiate between parole, conditional release, executive clemency, and release at the expiration of sentence. If after release the prisoner gets into further difficulty he is a "parolee" in the eyes of the average citizen. Parole is even confused with probation, in spite of the fact that probation is imposed by the court instead of incarceration.

Parole is the release of a convicted offender under supervision and under certain restrictions and requirements, after he has served a portion of his sentence in a penal institution. In the federal system, and in most state systems, after a person has served a third or more of the sentence imposed by the court, the parole board has the power to parole him, that is release him for the remainder of the sentence subject to such conditions as may be imposed by the board.

The primary and most difficult duty of any parole board is the proper selection of the individuals to be given an opportunity to complete their sentences on parole. The purpose of parole is to enable these selected prisoners, through supervision and guidance, to make the best possible transition from the closely ordered and regimented life within prison to normal community living. Properly conceived, parole contains none of the elements of clemency or pardon. It has no connection with forgiveness, nor is it a reward for good conduct while in prison. It is based upon the principle that training and treatment in prison are only a part of the planned correctional process, which to be complete must

be followed by a satisfactory community adjustment. The U. S. Board of Parole makes its selections as an integral part of the treatment program, seeking to restore to useful life those who have responded to and have been intrinsically improved by the rehabilitative programs carried on within the institution.

Parole selection is essentially a careful weighing of all negative and positive factors. The information which social workers and probation and parole officers supply is helpful in evaluating the candidate. The basis for the final selection is a careful analysis of reports from the social agency, the investigating agency, pre-sentence investigation reports, comments of the sentencing judge and the prosecuting attorney, and a further analysis of the many studies and contacts made by the trained prison staffs during the period of incarceration. These studies include psychiatric and psychological reports; the extensive social history developed by the classification and parole sections, a major part of which is based upon pre-sentence investigation reports prepared by field agents; educational progress, maturation or lack of maturation in prison, evidence of seriousness of purpose, of lack of plans for the future, conduct during incarceration, attitude, previous offenses, detainers, escapes, military record, past occupational record, and many other contributory factors. All these are weighed and in many instances a strong recommendation from the field agent indicating that the parole plan is especially appropriate at that particular moment will tilt the balance in favor of parole even though there are many unfavorable or negative factors present in that particular case. In the same manner, a report from the probation or parole officer stating that the community is not yet ready to receive the prisoner, that the home situation is impossible, unfavorable, or the same as it was when sentence was imposed, may swing the balance to denial. As previously stated, final action results only after a careful weighing of the positive and negative factors in

each particular case. Among the negative factors tending to weigh in the direction of denial, and usually reported by the field agent, are adverse feeling within the community, an unstable family situation, irregular employment record, history of failure to support dependents properly, lack of responsibility, nomadism, lack of home ties and antisocial and amoral character as reflected by criminal acts, alcoholism or mental difficulty.

Superimposed upon this background material is the record which the prisoner has made for himself as indicated by his work on the job, his attitude toward his offense, toward treatment, toward training, toward his family, toward the future, and his determination to refrain from criminal activity upon release. The selecting agency must consider everything which may play any part in post-release behavior. Improved training and treatment methods within the institution, together with improved techniques in classification and analysis, now enable the paroling authority to base its selection upon proved facts and performances rather than upon wishful subjective predictions.

When a federal prisoner becomes eligible for parole under statutory provisions, he makes an application to the parole board for a hearing or interview. In this application he sets forth the reasons why he feels that parole should be granted, outlines a tentative plan for residence and employment and presents his case in his own way, asking that he be interviewed by a board member at the next regularly scheduled meeting at the institution in which he is incarcerated.

There are twenty-seven federal institutions and regular parole interviews are scheduled at each at least once each quarter. At institutions where the juvenile offender is treated, more frequent interviews are held. The U. S. Board of Parole does not interview applicants for parole sitting in banc; one member of the board interviews all eligible prisoners at a particular institution. To insure equalization of the work load and opportunity for

members to become acquainted with all institutions, the parole hearing schedule is rotated. A recording of the interview is made after which the interviewing member prepares a complete resume and analysis of the case for review by other members.

The transcript of the interview and the prisoner's complete file are submitted to the interviewing member upon his return to headquarters. He again reviews all data and enters his opinion or recommendation with a definite date for future reconsideration. His findings and recommendations, together with the complete record covering the case, are then referred to other board members and no parole is granted except by majority action.

Parole Theory

The theory of parole assumes that it is difficult at the time of sentencing to determine just how long the offender should remain in an institution, and that setting a date for release should depend upon a thorough knowledge of the individual and all the factors that have contributed to his crime, as well as study and evaluation of his progress in the institution. It is also based upon the belief that within the period of every prisoner's sentence there comes a time when he is more ready to return to society and make a satisfactory adjustment than at any other period. The parole board alone cannot determine when the proper time has arrived. The parole officer who will supervise the prisoner in the community is probably in the best position to know when the social situation is right and it is his duty to make special community conditions known to the parole board. The sentencing judge, the probation officer, the municipality, the institutional staff and the parole board are all working toward the same goal; that is, the rehabilitation of prisoners and their return and continuance in society at the most opportune moment for them, for

their families and for their communities. An adequate parole system is our best protection to society. In the interests of protecting society, as well as attempting to guide such prisoners back to law-abiding social adjustments, it is particularly important to recognize the desirability of releasing under special conditions even the most serious offenders. It is true that there are many dangerous criminals in our penitentiaries who should not be released at all, but under existing laws there is nothing that can prevent them from coming out of prison at the expiration of their sentences, and at that time without supervision or further control.

Undoubtedly, some offenders will never develop into law-abiding citizens, no matter how carefully they are selected, supervised and guided after release. However, it is a much safer policy to maintain some control through parole supervision than to release them completely free at the prison gates.

One of the most important phases of the whole rehabilitative process is proper and intelligent parole supervision. Supervision is parole. In the federal system, parole supervision is carried on by probation officers responsible for the supervision of federal probationers also. Their work with parolees is directed by the parole executive, an official of the board.

The character of parole supervision largely determines the success or failure of any given case. It must always be remembered that every parolee is different, that every case is an individual, a new, a fresh and a unique project. Although the supervising agent has a right to expect from the institutions and parole boards men who have benefited from the resources and training available in the institutions, men who have grown in their abilities to govern their emotions and impulses, men able to take part in community life—in short, men ready for parole—yet much variation in degree of preparation and readiness for supervision will be found. The supervising

agent must carefully analyze and classify his caseload. Some of his parolees are incidental offenders who from all indications are rather stable individuals without any evident criminal tendencies and who have little difficulty in making the transition into society. The incidental offender may be able to get along satisfactorily with even quarterly reports and interviews, whereas certain other cases need weekly and often daily contacts. At the other end of the scale, however, there is the parolee who returns to a complicated social situation, needs psychological and psychiatric help, is having trouble adjusting to normal contacts after many years of confinement, and feels that all the effort he is putting forth gives little indication of ultimate success. These are the cases that need intensive supervision. The parolee often does not possess enough emotional stamina to overcome the old mental and emotional inadequacies which brought him to prison in the first place. Unfortunately most prison systems do not have psychiatrists available to give intensive individual treatment, group therapy and analysis, so the supervising agency is called upon to supply most of the needed psychological and psychiatric help. If there is ever a time that an offender needs psychological reassurance, it is just before and immediately after release. The stigma of his incarceration casts its shadow over every phase of his activities. It is of course important to give every parolee as much supervision as possible, but where caseloads are as heavy as is the case in most areas, the supervising agent must work out a plan of gradual relaxation in supervision by requiring less frequent reports and visits, and relaxing restrictions originally imposed upon parolees who have been long under supervision and who give every indication of a completely adequate adjustment. This method of supervision enables the parolee to graduate to the eventual unsupervised living demanded of him when his sentence has expired.

Statistical studies show that the greater proportion of violations occurs shortly after release. Thirty per cent of the parole violations for which the United States Board of Parole issued warrants in 1949 occurred within less than three months after release, 57 per cent within six months, and 82 per cent within a year. These figures show when the parolee needs the most intensive supervision. The transition from protected living to that of a free agent is a great one.

Within the federal system the number of warrants issued for alleged violation of the conditions of parole has shown a continuous increase since 1941. During 1949, 3855 prisoners sentenced to more than one year were released under parole supervision and 1058 parolees were alleged to have violated parole, and violator warrants were issued. Thus warrants were issued for parole violation equivalent to 27.4 per cent of the number of releases on parole.

Also during 1949 there was a comparable increase in the number of violations by "conditional release" prisoners, that is those released at expiration of sentence less good conduct time earned. During 1949, 5146 prisoners were conditionally released and 1181 prisoners under conditional release supervision were alleged to have violated the conditions of their release, or 22.9 per cent as many as were released.

In making comparison between the success of paroled and of conditionally released prisoners, it must be borne in mind that the conditional releasees are under supervision for relatively short periods, whereas the parolee may be continued under supervision for many years. These conditionally released prisoners represent those who, after careful study, were determined not to be good parole risks and were therefore denied an opportunity to complete their sentences under parole supervision. They remain in prison until expiration of sentence, that is the maximum sentence less good conduct time earned.

When so released however they are placed under supervision of the board "as if on parole" until the maximum sentence expires.

Such a drastic increase in alleged violations during recent years suggests the need for a detailed analysis of the situation to determine just what are the causes. It would require intensive statistical analysis and research to determine all the specific reasons. While it might well be due to one or a combination of factors, superficial analysis points to a lower grade prison population, poorer economic conditions in the community, more intensive and painstaking supervision by a larger number of better trained supervising officers, a more rigid policy of the paroling authority to return to prison parolees reported as violators by supervising officers whose violations in past years would not have been classified as sufficiently flagrant to result in issuance of a warrant.

Other explanations of the marked increase in violations of parole and of conditional release in recent years may be found in the change in age groups as well as change in type of offenses committed. In 1941 for instance 46.6 per cent of federal commitments were for violation of liquor laws, whereas in 1949 liquor-law violators constituted only 12.2 per cent of the commitments. On the other hand, commitments of an extremely unstable group, violators of the National Motor Vehicle Theft Act, more than doubled from 1941 to 1949. In 1949 those convicted of driving stolen automobiles across state lines constituted 14.8 per cent of federal commitments as compared with only 6.9 per cent in 1941. Liquor-law violators are usually in their middle thirties while those who steal automobiles tend to be ten to fifteen years younger.

An analysis of the 1949 violations shows a predominance of youthful offenders. If juvenile delinquents and Motor Vehicle Theft Act cases were excluded, the violation ratio in 1949 would have stood at only 16.4 per cent instead of at 27.4 per cent.

Even with intensive preparation, careful selection and skilful supervision, we must expect some failures, since after all we are dealing with unpredictable human beings. A greater number of successes may be expected, however, when a planned, objective program of selection and supervision is followed, and we must all strive toward the continued improvement of our administrative procedures and techniques.

Statewide Organization of Probation Services

RICHARD T. SMITH

State Director of Probation, New Hampshire

GENERALLY speaking, Statewide Organization of Probation Services is a subject of greater interest to those of us who live in states where the distinctive patterns of rural life predominate. As this paper is being written, I am thinking of states having a population of less than one million people and a land area of less than 150,000 square miles. It is noted that fourteen of the forty-eight states come in this category.

New Hampshire, my home state, in both population and area can be classified as one of the smaller of this group of states with a population of approximately one-half million and a land area of a little over 9000 square miles. The largest city has a population of about 80,000. It has only sixteen towns and cities with more than 5000 people. It has few slum areas and centers of congested population. There is little organized crime. Most of the offenders before the court are amateurs rather than professional criminals.

Rural people live less close together than urban people, yet they depend more on close personal contacts. There is less formal organization and more informal activity. Behavior is determined more by local custom and less by law than in urban communities. Furthermore, the low density of population and the low per capita taxable wealth in rural areas make it difficult to obtain high salaried specialists in education, recreation, welfare, religion and law enforcement.

Any realistic approach to the subject of statewide probation service must take into consideration these basic facts. It is also a well known fact that many progressive movements and services originated in urban areas and

later spread to rural districts. This has certainly been true in regard to probation, which has grown up as an urban phenomenon because of the concentration of population, the higher incidence of delinquency and crime, and the availability of funds for probation purposes. A large segment of the population, particularly in the villages and rural sections of the country, has been for some years without adequate probation service. But as the philosophy of probation has been tried and the authorities have seen that it was good, it has gradually been extended to the smaller rural areas. A number of states have made probation obligatory for all counties. However, the county seat, usually a town or city of some proportions, received most of the service to the neglect of the rural sections. When this unevenness became apparent some of the states organized a statewide probation service with centralized offices, usually at the state capital. This type of administration has grown up gradually, one state after another establishing some form of statewide probation, until twenty now have this type of service. Though each has its own pattern, we discover some similarity of method, personnel training, function and success running through all. It has been my personal observation that probation when organized on a state level is usually more efficient and uniform.

The Situation in New Hampshire

Prior to 1937 when New Hampshire enacted its first statewide probation law, some municipal courts (the court having exclusive original jurisdiction over juveniles) were required to appoint probation officers. In 1930 a survey was made of juvenile courts and probation in New Hampshire by the National Probation and Parole Association, looking forward to the establishment of a statewide service. It was discovered that many of these probation officers did little or no probation work.

The most important aspect of probation work is with juveniles. The Probation Law of 1937 in New Hampshire made it mandatory for courts in cities of over five thousand to appoint qualified probation officers and to fix their salaries. It permitted other courts to do so. Such probation officers were to be subject to supervision by the State Probation Board. This arrangement, while it was an improvement over the previous system, proved not to be entirely satisfactory. Though partially successful in the larger communities, in the small towns where the services of a full time worker were not required, it fell short of a uniform standard of probation practice. This inadequacy was largely due to the difficulty of finding persons who by reason of training, availability, financial circumstances or special aptitude, could render satisfactory probation services. Generally speaking, the municipal courts have found the state service much more to their liking, and as a result a number have not appointed local officers, and even though contrary to law, the state department is providing the service. The salaries which could be offered by these small communities have been in most instances insufficient, sometimes as low as \$100 per year. All such officers were part-time workers, some unpaid, some with salaries up to \$750 per year, and the services rendered were usually commensurate with the pay received. Some appointments were without justification. I am reminded of one situation where a local probation officer was receiving a salary and did not know why he was being paid. He had no conception of casework, had never handled a probation case and was not qualified to investigate or supervise a probationer had he been so inclined. Although the law required monthly reports, only two or three courts made any effort to submit them, and those submitted were of little value in compiling statistics.

There was no probation service in the superior courts, and those courts had no personnel fitted either by train-

ing or inclination to be of help. A great deal of time and money was spent to convict, but too little of either in an effort to gather information upon which to base the sentence after conviction. In other words, before a statewide probation system was instituted in my state, except for a very few instances, probation was a flat failure.

By means of a statewide service we now have a more comprehensive coverage reaching into the smallest hamlet. The state setup gives the small rural court the type of service enjoyed by the large city courts and the superior courts. Statewide probation makes possible faster and better transfer of probationers, both interstate and intra-state, and much better cooperation between New Hampshire and the other New England states in making social investigations and arranging for complete supervision, both within and beyond the state boundaries.

New England Cooperation

New England is a closely knit geographic and economic unit. The six New England states, and particularly the northern states, Maine, Vermont and New Hampshire, form a natural grouping for interstate cooperation in the correction field. I would like to refer briefly to a few of our cooperative efforts. New Hampshire now sends its women prisoners to the state of Vermont by means of an interstate agreement. A state the size of New Hampshire does not have a sufficiently adequate tax base to build and maintain enough institutions for proper segregation of offenders. The state has one industrial school which accepts children from eight to eighteen years of age, and at present, plans are being made by New Hampshire and Vermont to make use of the Weeks School in Vermont for certain boys and girls in need of institutional care. At this date a tri-state commission has been appointed by the governors of Maine, Vermont and New Hampshire to look into the

advisability of building a much needed institution for defective delinquents. If erected, it will be used collectively by these three states.

It has always appeared to me that some of the smaller and less wealthy states might greatly improve correctional facilities by pooling correctional institutions, and this can often be done without the erection of additional buildings. Such a plan is workable, providing provincialism can be overcome. It enables adjacent states to provide better segregation and care for different types of offenders, for instance, a treatment center for those afflicted with alcoholism, a place for vicious and depraved offenders, and a separate institution for sex psychopaths.

Another example of interstate cooperation is the New England Conference on Probation, Parole and Crime Prevention. For the past eleven years law enforcement personnel in the six New England states have been meeting annually for the discussion of their common problems. These meetings are well attended by probation and parole officers, welfare workers, prison and reformatory staffs and others interested in penology and correctional techniques. In addition to the professional gains, these gatherings have promoted through fraternal association a wholesome spirit of fellowship among the personnel of the six states.

Uniform Laws Needed

I do not need to stress the difficulties resulting from a lack of uniformity in state laws. Some of these have been met and overcome, and some have been left for future resolution. All of us who are engaged in correctional work realize the benefits derived under the interstate compacts as related to interstate crime control, especially in regard to the supervision of parolees and probationers, the Uniform Extradition Act and the interstate compact permitting the fresh pursuit of criminals. When more states enact reciprocal legislation to

compel support for dependent wives and children living outside state boundaries, the present burden will be lessened.

Confusion sometimes occurs because of the variance of laws which in one state define a person as a minor, in an adjacent state as an adult. In New Hampshire the age division is eighteen, while in our neighbor state, Vermont, it is sixteen. I recall a few years ago the confusion which took place because of the irregularity of the states regarding delinquent and neglected children. Some boys in New Hampshire who started a minor crime wave by breaking and entering a number of summer cottages in the Connecticut Valley were apprehended; several of these breaks were in New Hampshire, one was in Vermont. The boys, brought with their parents into a juvenile court in New Hampshire, were placed on probation. One boy, while under the supervision of his probation officer, took a new lease on life, returned to high school and made considerable progress in mending his ways. This boy had just passed his sixteenth birthday. His probation officer gave him careful supervision and encouraged him to study harder, and his grades in school improved. This boy happened to be a member of his high school football team, and one Saturday afternoon when the final whistle sounded, the sheriff from Vermont appeared, arrested him and took him across the old covered bridge spanning the Connecticut River into Vermont where he was arraigned for one of the breaks made the previous summer. It so happened that in Vermont he was not a juvenile and his hearing was in a criminal court where he was booked as an adult criminal offender. The probation officer, the football coach and the high school principal made the journey to Vermont with the boy. How well I remember the difficulty these men experienced in convincing the court that he was not a fit candidate for the Vermont State Prison.

Domestic Relations Collections

The New Hampshire Probation Act of 1937, under the title Powers and Duties of Probation Officers, states that they are to investigate at the request of any court any case, matter or question, and to report the result of such investigation, making recommendations. The law further states that the probation department is to collect and disburse fines, restitution, and payments ordered in divorce, non-support and bastardy cases when so ordered by the court.

The superior courts at once recognized a long looked for opportunity to improve the collection service of the courts. From a small start in 1938, when the New Hampshire system collected a little over \$5000, this collection business has reached huge proportions. The probation service now collects considerably more than half a million dollars a year. Sixty-two per cent of all cases are classified as domestic relations. With probation officers carrying extremely heavy case loads, supervision has been somewhat neglected and some probationers in great need of counsel and help did not receive necessary supervision. While collection of large sums of money often looks well on paper, too great emphasis may be placed on the amount collected, and success may be measured by monetary standards rather than by quality of investigation, supervision and casework.

Some of the important work of our state service, careful investigation, supervision and casework with juveniles and young offenders has suffered. Because of the heavy load of domestic relations cases, hardworking sincere probation officers, consecrated to reclaiming children and young people who have started to go wrong, are forced to a relaxation of vigilance. Money collected is not necessarily evidence of good probation work. Unless such collections are controlled, there is danger that a probation department may degenerate into a collection agency.

Given an adequate staff I see no valid reason why the statewide administration of adult probation and parole should not be combined. I am familiar with the effective results of such combined services in Vermont and Rhode Island. Eleven states now have complete unification of adult probation and parole with no local probation officers or institutional parole officers. These states are: Alabama, Idaho, Kentucky, Oregon, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington and Wyoming. Six others now have partial statewide services, with local probation offices in some areas. This plan appears desirable from the point of view of economy and efficiency. Such coordinated service prevents duplication of effort, time and money and results in reduction in the budget.

Parole and probation techniques are the same. Both are social casework aimed at the rehabilitation of individuals, making use of identical methods and procedures. New Hampshire permits the probation department to supervise persons released on parole by any institution, if so requested and on such terms and conditions as may be agreed to by the probation board. It is the practice for the department in New Hampshire to forward copies of all pre-probation investigations whenever institutional confinement has been ordered by the court. Investigations are made in all criminal cases without exception. It would appear logical that the probation officer already familiar with these matters might have a good understanding of the offender which would enable him to supervise the individual after release. New Hampshire now has two separate parole services, one attached to the state prison and the other connected with the state industrial school.

It is probable that on a certain date a parole officer and a probation officer simultaneously travel to the same community, the parole officer making a parole visit and the probation officer visiting his probationer. A more efficient and economical policy would be to establish a single

system of administration, provided the department is given an adequate staff and then entrusted with the responsibility for social casework in the field of correction throughout the state.

In conclusion it seems advisable to recommend that in rural or semi-rural states a statewide probation bureau be set up with all services functioning under one board. This board should be free from political influence, and the courts served by it should participate in an advisory capacity and give approval to budget appropriations. Local, part-time probation staffs should be eliminated.

Probation and parole in small semi-rural states require the workers to be general practitioners rather than specialists. These men need to adapt themselves to all types of cases as small states cannot afford the highly specialized services of the larger and more urban states. While this may be a disadvantage in some instances it may likewise be advantageous because delinquency and crime is often basically a problem of family behavior, and the better the probation officer knows the family the better is his position to understand the special problem. A single family may provide three types of probation case. There may be a domestic relations case because of a broken home, the father may be a criminal offender, and these and other causes may result in children with delinquency traits. We all know that these phenomena are interdependent.

Professionalizing Services

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IN our approach to the reality situation we are impressed with the possibility that probation and parole are dying on the vine in many jurisdictions. Probation and parole, born of healthy stock, are an extension of those religious concepts dealing with the dignity of man, his inherent worth as an individual and a being of value to the state, a being possessed of natural rights that no one can take from him. In a fast moving world, social work is making rapid strides in its highly complex field to meet current challenges and advance the frontier of professional knowledge by the development of new skills, new and still newer techniques. In this technological advance along the social work front we find a lag in the ranks of probation and parole. They look healthy. They have gained wide acceptance as forms of treatment for deviant social behavior. They are cheap and they are reasonably popular. There is no evidence to indicate that they are being less utilized as a therapeutic device than formerly, but there is evidence to substantiate the charge that their effectiveness is being impaired by their reluctance to absorb the knowledge that is now available to them from related fields.

In a revaluation of probation services we normally consider the client, the community and the agent who performs the services. We recognize the importance of the client in the overall picture. With him in mind, over the long haul, we now turn the spotlight on the agent and what he brings to the client. In our thinking we lean toward the belief that temporarily we should focus our attention on the worker rather than on the client. In the long run we believe that this policy will

not only produce greater social dividends, but that it will produce new skills, and open up avenues of treatment that will reflect credit upon our profession.

In accord with this thinking we have been recruiting competently trained, enthusiastic and personable young graduates from schools of social work throughout the country. Within recent months, for instance, we have brought into our organization in Wisconsin social workers from Oregon, New York, Rhode Island, Pennsylvania, Massachusetts, Connecticut, Indiana, Illinois and Washington. A smaller group of exceptionally well qualified individuals with greater field experience but less academic training was also brought in to implement our staff. The written examinations were conducted on the campuses of our universities and under the auspices of civil service commissions across the land. The facility with which the written portion of the examination could be taken was inviting to a large number of June graduates who took it and finally appeared at Madison for personal interviews. They were impressed also with the initial salary of \$292 a month.

Safeguards were provided for the applicant's interest and the state's welfare throughout the selection process. Now that we are partially armed with the nucleus of a staff permitting caseloads between 45 and 55 we are anxious to see what will emerge from the purgatorial fire of our on-the-job training under the leavening influence of older men, wise in the rough and tumble school of probation and parole experience. In our thinking for the future welfare of our clients, the service ideal precludes mere lip service, though in the past we have all too often used a *laissez faire* doctrine which is purely negative in its application to a treatment process.

In our undertaking we are not unmindful of the contributions of the pioneers of probation, those practical servants of the probation ideal, who have given so much of themselves that others might work out their destiny in a manner acceptable to themselves as well as to so-

ciety. To them, these pioneers, we owe our deepest gratitude, for without their cooperative thinking, the success of our program would be held back far longer than we care to acknowledge.

A practical consideration of the problems arising in statewide operation was the need for agents well-grounded in sociological philosophies, implemented by graduate study in social work. Our casework consultants are daily beset with problems requiring a basic knowledge of the law and some areas of social work and community resources, their availability and limitations. One moment the consultant functions as an expert in group leadership, the next he may be wading through social security bulletins, or searching for the answer to a problem of a dependent, neglected or delinquent child. The man on the firing line, the agent directing the case, faces all of the problems of the consultant but does not have the same time to ponder; he must of necessity meet the crisis head on.

Common sense dictates that he be on familiar grounds when confronted with a medical or public health problem, particularly as to the more common diseases. He must be aware, not only of the implications of disease, but of what it does to the person emotionally and the concomitant effect on the family deprived of a bread winner or of its natural leader. Naturally the agent is working with maladjusted individuals, some psychotic, and some who have been classified as neurotic. Life is much simpler if he has been introduced to psychopathology, and is aware of surrounding emotional disturbances. The field agent, with the new philosophy of applying casework principles within the framework of the probation and parole setting, will realize the significance of such disturbance as a causative factor in behavior. He will recognize in the individual delinquent a bio-social being who is the sum total of his biological inheritance and those environmental factors which have been and are now surrounding him. Would it not therefore seem

logical, if we accept this tenet, that many types of behavior cannot adequately be explained or treated unless the individual is regarded as a person whose problems are the result of his living in a world too complex for him.

In mobilizing the services of probation and parole to meet the needs of our clients we are interested in the worker who not only can but does think with, for and about his client. We are interested in the worker who not only shares his thinking but, even more important, translates it into social action. We are seeking workers who are ever adaptive, never rigid in their approach to the man with a problem. We are interested in men who can harness the social forces necessary to effect the adjustment of the individual and his inner drives to the external demands of the community in which he must work out his difficulties. In these objectives we differ not at all from the private social agency with its objectives of economic well-being, healthful and decent standards of living, along with satisfying social relationships. In our quest for the ultimate in service to our clients, we anticipate hostility and resentment from within and from without the ranks of probation. Those calculated risks we are happy to assume in our struggle for a more effective technique in the treatment of the individual whom society calls delinquent. We are looking for workers who can do casework within the authoritarian setting in which they must operate; men who can use authority as either a crutch or a club when the need arises—a crutch for support when the need is indicated or as a sustaining factor in a wavering relationship, a club as a discriminating tool to be used when more positive therapy has failed and a negative approach appears more fruitful; men who can be the strong father or the good mother; men who can use authority in a functional approach which is of necessity neither restraint nor punishment, but treatment.

In Wisconsin as elsewhere the translation of ideals

into realities is a long and arduous process. The two are far from synonymous but we see movement in that direction. Dividends unanticipated for some time to come are now trickling into the bureau. Never satisfied, we hope to reach the flood stage. Perceptible signs seem to point to the evolution of the older workers into highly skilled professional people, while the younger professionals, still incubating in their in-service training program, seem to be taking on the protective coloring of their more practical elders. In a situation of this kind it is not surprising that many of our older workers are now going back to school while the fledglings go to work. Each group draws strength and substance from the other. The old affinity for police work with its irritating checks and counter checks gives way to a program where the individual worker within the framework of his caste has the opportunity to exercise the mature judgment and the secure social conscience required by his profession. In reaching for his objectives the worker is provided with necessary help through consultative services in specialized areas. The agent who works alone is as dead as the agency he is presumed to serve. The social engineer is on the march while the rugged individualist stands on the sidelines and wonders what it is all about.

Some reduction of caseloads has been accomplished. We still find overloads, a condition that we hope to rectify as rapidly as possible. Department advantages through added staff and educational and training programs will be negated unless and until we procure an adequate staff to perform our functions. We are equally concerned with the numerical strength of our staff, with technical skill, emotional maturity, and the purposefulness with which it goes about its daily work.

For many years the National Probation and Parole Association has directed its attention toward a conference geared to specific problems affecting the growth and development of probation and parole in the total field of social action. In its deliberations it has established

bulwarks with which to prevent the encroachment of harmful influences, beliefs or practices that would militate against progressive movement. Today it would appear that probation and parole, like the medical profession, suffer from no want of clients, but in common with medicine, are beset with a lack of qualified practitioners. This dearth of qualified personnel interested in the physical, emotional and social health of a large and costly segment of our population which is in need of treatment, appears to be our prime problem today. Time and effort should effect a solution through our recruitment and training programs. A virile recruitment plan will tend to attract recent social work graduates into our ranks. It is anticipated that this new blood, intermingled with that of the practical, time-tested worker in the field of probation, will redound to the credit of our services.

This happy marriage of the old and the new offers a stimulating challenge for both the professionally trained neophyte and the older worker who has had to prove himself in the day by day contact with living experience. This union will further the thinking of the two, arouse new interests and techniques, disturb the inept and the inert who will thus find stagnation to be a most uncomfortable experience. Adjustments will follow on the part of both. Thought and action will no longer be channeled in the rut of tradition. We recognize many of the problems to be met in the adjustment of the individual in his struggle for competence and comfort. We are not beguiled into the mistaken belief that a professional degree is the answer to all of our problems; that the rate of our failures will decrease; that we can make the insecure secure or transform the inadequate personality into a being quite well equipped to navigate in other than a protective environment. We do believe however that in the mutual exchange of "know how" and the ever present why's that each has to answer, we shall find ourselves in a better position to

encourage adjustment within the individual, and to so modify the worker's environment that we will be able to turn back into the community as valuable human assets those whom, but a short time before, it considered beyond social redemption.

The traditional functions of our services to the individual and the state must be revived in keeping with the everchanging, ever forward trends of social work philosophy. New horizons within the authoritarian setting must be sought. The time has come when common sense and a liking for people are not enough. No longer can we afford to temporize with mediocrity. We are fighting for ever-higher standards, and in the fulfilment of our recruiting and training program hope that we, the servants of society, will be better able to return those individuals committed to our care to personally satisfying and socially useful lives.

V PROBATION AND PAROLE CASEWORK



Separate or Combined Probation and Parole Caseload—Must There Be a Conflict?

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SOME of us may recall the old tale of the Orient which relates the dream of a certain Hindu merchant. The Hindu dreamed one night that he had died. To his bewilderment he found himself standing in a large room entirely devoid of furnishings. Puzzled as to whether he were in heaven or hell, he looked about and discovered a door in one wall. A small sign, neatly printed, read "For the Damned." Having no other place to go he opened the door and entered.

Before him was an enormous table spread with the rarest delicacies of food and drink. Seated about it were a number of people, each tied to his chair, with one arm fastened behind his back. To the free hand was fastened a spoon with a handle too long to use. Although food fit for the gods lay within inches of them, the poor wretches were obviously suffering from the final stages of starvation.

Hurriedly the Hindu backed from the room and closed the door. It was only then that he saw another door with a sign "For the Saved." This door too he opened and for a moment thought he had blundered into the same room. There before him was the table spread with delicacies. The people seated about it were tied to their chairs with one hand behind them and a spoon too long for them to use tied to the other.

Just before his dream faded our friend became aware of a great difference in the two feasts. Those at the

second table were eating happily. Though the spoons were too long for them to feed themselves, each was feeding his neighbor.

This oriental fable can be applied directly to our subject. Viewed casually, probation and parole appear to be identical. The public rarely detects the differentiating characteristics, and we are often surprised to hear our friends in related professions use the terms interchangeably. Maybe in our keen awareness of dissimilarities in the probation and parole process, we of the profession are blind to our opportunities and responsibilities in making available to probationer and parolee alike the individualized, differentiated casework service that will free him to "feed and be fed" despite the chains and fetters of restrictions and controls.

Differences and Similarities

To begin with, let us examine some of the differences and similarities, first in probation and parole practice, and second in the administration of these services on local, county and state levels. We all agree that the one great difference between probation and parole is a situational one. The probationer comes to us directly from the court, usually under stay of execution of sentence to a correctional institution; the parolee, on the other hand, has just been released from an institution. It is as simple as that, and it is in this experience only that any difference lies. But even as we analyze it, any argument for separation of the two in terms of either practice or process loses validity. Proceeding on the assumption that probation and parole are social casework (and here I pause to make the personal comment that the lag in, and the controversy over acceptance of probation and parole as casework, seriously retard our development as a professional organization), we recognize in the whole process, from arrest and conviction to institutionalization and parole, a continuity of treatment which may incorporate part or all of the two functions we tend so

often to separate—probation and parole. Casework moreover is founded on the principle of recognition of differences, both individual and situational. Should we not then work toward the marriage of our two partners, probation and parole, as integral parts of the overall casework approach to the individual, rather than toward alienation through a continued separation which leads only to further professional disunity? More specifically, we see the same needs in the situation of both clients and many of the same characteristics, differing only in degree. Both have been through traumatic experiences sufficient to cause feelings as intense as those which motivated their earlier delinquent behavior. For the probationer it may have been the weeks of waiting for the sentence. For the parolee it is also the initial shock of cellblocks and high guard-mounted walls, the monotony of machine-like routines which do the thinking for the inmate, the anticipation and the disappointment of the too-occasional and too brief parole board hearings. But here they come to us, the probationer just given a suspended sentence by the court, the parolee just recently interviewed by the parole board. Resistance, hostility, suspicion intermingled with anxiety, hope, and the need to be both trusted and accepted—these are the feelings the probationer and the parolee bring to us. Do not their differences begin to disappear and does not our planning with them take on similarity based on these feelings and needs? With either we see the importance of beginning where we find him and in setting with him goals in rehabilitation that are his and not ours.

One Continuous Process

In the process of rehabilitation whether administered through the courts or by the parole board, we find similarities that unite the two into one program of treatment and reform. Basic tools of both and important to the function of each are investigation and supervision, two

other partners the separation of which has led us into somewhat heated discussions. When made a part of the casework correctional process they implement the diagnostic treatment programs. As to the initial importance to the court of a factual narration of an offender's social background, as well as its subsequent value to the board or commission seeing the offender at regular intervals during a period of incarceration, we are all in accord. To both it is indispensable in meting out the kind of individualized justice that our Youth Authority friends have so successfully demonstrated in their program in some of our states. Dr. George G. Killinger, chairman of the United States Board of Parole, described very well this continuing process and the inseparability of functions performed by the probation and parole officer:

"The probation officer¹ plays a leading role in the treatment of all prisoners, since he, through his pre-sentence investigation report and careful post-release supervision, not only supplies the first and last links in the long chain of rehabilitation, but in addition he furnishes many intermediate links, ranging from such assignments as a special mission to the home of the prisoner to determine if an alleged emergency is as grave as reported, to the final last-minute arrangements for residence, parole advisor, proper employment, and all in all, creating a situation in which parole can function, as well as round out and complete all the rehabilitative processes set in motion within the institutional setting."

Recently concluded in Minnesota was Governor Youngdahl's Second State Conference on Youth under the chairmanship of President Morrill of the University of Minnesota and attended by nearly 2000 delegates from all of Minnesota's eighty-seven counties. Reports were prepared by the panel groups comprising the conference. Probation and parole was the subject of one

¹The U. S. probation officer also functions as parole officer for offenders released from federal institutions.

of these panels, directed by District Judge Theodore B. Knudson. It is interesting to note that in addition to workers in probation and parole there were on the panel representatives of labor, social agencies, federated women's clubs, and the church. One of the recommendations of this panel reads: "Efforts should be made to integrate investigation, diagnosis, treatment, and rehabilitation into one continuous process to the end that individuals and society as a whole are benefited. . . ."

Acknowledging then the existence of a basic difference in concept involving probation and parole, we are justified, it would seem, in returning to our question, "Must there be conflict in the combined caseload?" with the answer that there need not be and should not be, for it is in practice that this and many more subtle differences are completely resolved.

What About Combined Administration?

What then about the administration of probation and parole services on local, county, and state levels? Must there be conflict here? In attempting to justify administration of combined services we encounter head-on some of the same arguments. But we find on examination that these arguments are interchangeable and work both ways. I can only speak from our rather limited experience in Minnesota. At first the board of parole, through its administrative staff, provided only parole investigative-supervisory services. Then in 1933 the law was amended so that courts could place offenders on probation to the board. It should be stated at the outset that the three large urban counties, Hennepin (Minneapolis), Ramsey (St. Paul), and St. Louis (Duluth), have had their own probation departments since shortly before World War I. The act of 1933, however, provided probation to the district courts in the remaining eighty-four counties where heretofore no professional service had existed. It is significant to observe the tre-

mendous growth in the use of these services by these courts—to the point where the board plans to request the 1951 legislature to appropriate funds for double the number of probation and parole counselors serving them. Probationers now account for nearly fifty per cent of the total caseload under supervision, while parolees constitute only thirty per cent. This does not include investigative services to the courts which have shown an even greater increase. From the standpoint of early evolution, economy, and geography it has proved most beneficial to combine services in our state. Other states might possibly present the same evidence in support of separation of probation and parole services. This is as it should be, as any plan for improved programs should grow out of the existing structure of services and legislation. What functions effectively in Minnesota may in California as a result of the historical and legislative development of probation-parole services, be entirely impractical. The considerations involving economy and geography, while of lesser importance to the individuals served, are most significant to legislators and departments of administration. They are also important to the judiciary and law enforcement group. Our judges of both the district and juvenile courts have been exceedingly vocal in their preference for probation-parole services at the local level. There has been disagreement however as to how these services should be administered. Consideration of that question is deemed outside the scope of this paper, notwithstanding some strong convictions of the writer relating thereto. The cooperatively administered program brings the entire institutional parole process direct to the local community. It establishes an important connecting link between the home community and the institution. To the man in the institution the parole-probation counselor in his community connects him with all that holds meaning for him outside the wall. Frequently his previous contact with this officer as a probationer facilitates planning towards pa-

role which we all believe must be initiated early. Certainly the courts and the law-enforcement group can in turn feel that through their probation-parole agent, who also functions as parole supervisor, they have a better opportunity to maintain an interest in the man and all that happens to him in the prison. Likewise, the community-located probation and parole officer can assist the community in accepting its continuing responsibility for the individual offender and his family; can help them prepare for his return; and can exert a strong leadership in uniting all community resources to eliminate or alleviate those conditions responsible for some of the individual's difficulties. The latter role fits into the probation-parole agent's responsibility in prevention which needs frequent emphasis.

Encouraging Judicial Interest

Early this year our board requested the appointment of a Judicial Advisory Committee on Probation to the State Board of Parole. The committee, consisting of five outstanding district court judges, was appointed jointly by the Governor and the president of the District Court Judges' Association. It has been interesting to note that in addition to their natural concern over the improvement and expansion of probation services to the court, this committee has shown real interest in parole in following the progress of men sentenced by them, and has developed ways and means of bringing to the parole board the feelings, suggestions, and recommendations of the court concerning these same individuals. This is a healthy situation and we should encourage judicial interest and participation in both the probation and parole programs.

Digressing somewhat, I should like now to leave our controversy, resolved to a point where we can explore together some common goals. When we as professional workers are no longer able to compromise our differ-

ences and put up with each other's idiosyncrasies of practice, then we no longer have the right to call ourselves professional.

I am reminded of the man who lived close to a railroad yard in a large city and who finally wrote to complain about the racket made by the switch engine: "Gentlemen: Why is it that your switch engine has to ding and dong and fizz and spit and bong and hiss and pant and grate and grind and puff and bump and howl and snarl and growl and thump and boom and crash and jolt and screech and snort and slam and throb and roar and rattle and yell like hell all night long?" After due deliberation the local railroad management replied with the following letter: "Dear Sir: Sorry, but if you are to get meats and sweets and breads and spreads and beans and jeans and shorts and skirts and cakes and rakes and socks and locks and dippers and slippers and lotions and notions and hooks and eyes and cherry pies and candy bars and nuts in jars and sugar and spice and everything nice to make you happy all your life—you'll just have to put up with the noise of the railroads."

Shared Goals

Louis Sharp, in his paper, "New Horizons in Probation," given at last year's Congress, pointed out recent trends in our field and some inconsistencies in the type and breadth of probation service. I should like to repeat some of these horizons and very briefly list other goals shared by probation and parole.

May I offer six areas into which I believe we need to direct the searchlight in the interests of periodic housecleaning. First, some of our basic on-the-job methods and techniques of probation-parole practice, particularly as relates to case recording and supervision need improvement. We continue to hear much about the importance and value of the field agent's recording of what he is doing in the movement (forward or backward)

of a case, and yet an examination of probation and parole records fails to disclose in most instances what is happening to the parolee or probationer in supervision. Our experience in interstate supervision points up the need for considerable standardizing and improvement in recording.

Participation by the probationer or parolee himself is one of our unexplored reservoirs of help. Not only is it important (though all too little practiced) to make possible the probationer's or parolee's participation in planning, but his potential contribution to our limited fund of knowledge regarding how the offender thinks, feels and acts is very great. All of us tend to impose our rules and regulations, our controls and restrictions, and our standards—all of which are usually diametrically opposed to those of the individual offender and to our treatment of him. Clifford Shaw and his associates in the Chicago Area Project discovered something very positive in its application to reforming young delinquents—that reform can't be forced on the delinquents from outside the community in which they live, but that it has to be an "inside job," carried to the point of using the indigenous leadership within the natural gang. Drawing from our AA friends, I would still like to experiment more and hear the experience of others with what Father Lane has chosen to call our "repossessed men," by which he refers to a group of forty ex-prisoners from Elmira, meeting anonymously twice a month to offer their help and services to other men coming out of institution doors.¹ Casework with families needs continual emphasis as we tend to isolate the individual probationer or parolee and exclude in our planning with him those influences of family and community that may be most potent in either causing or correcting his delinquent behavior.

Secondly, there is need for closer cooperation among us as states and as related departments within states, to

¹"Repossessed Men," by Neville Green, *Magazine Digest*, November 1949.

reduce to a minimum the crippling effects which a spirit of professional jealousy and sometimes ruthless competition can produce. Our goals are all in common and we could join hands in working toward these goals, one of the most important of which is the promotion of improved standards of practice, personnel, and salaries. In Minnesota we are beginning to schedule joint staffings between departments, and last year the Youth Conservation Commission and the State Board of Parole cooperated in arranging jointly a three day summer conference. We are hoping soon to discuss mutual problems with some of our co-workers in the neighbor state of Wisconsin.

A third area which calls for further exploration concerns the development of training programs in close cooperation with a state university or liberal arts private college. Such programs need to be organized on both an undergraduate and a graduate basis and could do much to accomplish two major goals, the recruitment for correctional work generally of trained individuals on a career basis, and the initiating and expansion of research programs affecting probation-parole practice and administration.

Fourth is the need to develop methods for objectively evaluating the work of individuals and departments providing probation and parole service.

Fifth is the importance of a positive public relations program using every means possible—press, radio, public speaking, annual and biennial reports, etc. Providing the press with prompt, straightforward facts about individual cases (without of course divulging confidential material) and agency programs is still the most effective means of informing the public. We have been exceptionally fortunate in Minnesota where a high calibre press has done much to stimulate public interest in parole.

Finally there is the need to revise much of our thinking about the offender himself and to reevaluate continually the methods we are using to modify and reform

his behavior. There are still a few remaining "Devil's Islands" among our institutions where the lash and the sawed-off shotgun are the chief weapons of rehabilitation in the hands of those who are described by a courageous reporter in a recent *Reader's Digest* article as ruthless, arrogant, sadistic, political stooges, and there are also the (fortunately rare) parole systems referred to in the *Saturday Evening Post* where money can buy a parole and where the parole agent himself is a cheap petty crook ready to receive bribes and grant favors for a price. It should be emphasized that these systems have been almost completely obliterated from our scene. But in the vestiges of them remain some of the subtler forms of punishment and cruelty that through the ages seem to have done little to curb the march of crime or reach the real inside of the man behind bars. The answer is not easy to find, but we need constantly to be critical and introspective of all that we do as individuals and as departments. That we exist only to serve our fellowmen sounds trite, and yet daily we overlook it in our practice.

For these men and women who are behind institution walls, leading lives of "quiet desperation," for whom we have been entrusted with a large measure of responsibility, we need to assure first of all acceptance. This means many things—trust, belief, but mostly a genuine and sincere respect for their personal dignity and worth. Acceptance implies understanding that they are frequently not offenders against society by their own standards or even by those of their neighbors. The simple freedoms of friendship, the freedom to smile, to voice anxieties, to tell a dream, to enjoy food, to have a tradition, to plan a tomorrow—these freedoms while they are still living in a world that knows no freedom, are important for us to impart. Yes, we are entrusted with a priceless commodity in these men and women, and we must be prepared to account for our part in their lives.

"When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; what

is man, that thou art mindful of him and the son of man, that thou visitest him? For thou hast made him a little lower than the angels, and hast crowned him with glory and honour. Thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet: all sheep and oxen, yea, and the beasts of the field; the fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas."

Practical Aspects of Casework in Parole Supervision

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PAROLE in the United States came into existence almost three-quarters of a century ago in the law which established the New York State Reformatory for men at Elmira. For half a century however, the aimless, fumbling experimentation which followed its inception produced little more than inconclusive results and justified criticisms of inadequacy. Few during that period questioned the soundness of the theory of parole, but all who were concerned with its development questioned its application. The concept of individual treatment for the offender was in the first fifty years no more than an ideal, a dream of socially minded individuals who hoped that attention might be focused on the criminal as a personality, on the social factors affecting criminal behavior rather than on the offense or crime. The comment of the Special Committee on the Parole Problem, the famous Lewisohn Commission in New York State in 1930, applied with equal truth to every parole system in the nation: "Parole . . . has in no sense ever been tried. It has been an underfinanced moral gesture."

During the past two decades, the ideal of individual or casework treatment for offenders has been accepted in theory and in practice by a number of parole agencies. The success of its application where it has been tried has confirmed the concept that the casework method is the best means yet discovered for changing attitudes and readjusting individuals. The emergence and acceptance of the casework method in dealing with released felons has been the greatest development in the history of parole.

When the first attempts were made to administer parole on a professional casework basis in New York in 1930, it was realized that a new and pioneer field of social work was being opened. It was accepted that parole officers would have to experiment with old and new procedures since at the time parole had no established or tested standards of casework. Since that time parole has matured. It has developed in scope and quality; formulated its policies and procedures; justified its methods and philosophy. It has assumed a new place in the field of social work, combining effectively the law enforcement-casework functions. The legal obligation of community protection has been clearly enunciated and crystallized without impinging upon or limiting unduly the casework objectives of the agency. A balance has been achieved which does full justice to the needs of the individual and at the same time to the requirements and demands of the community.

We have proceeded slowly during the last twenty years, carefully tempering our use of casework methods to the readiness of the community to accept them. We have defined our objective as one of community protection and have recognized that this protection is best achieved by the rehabilitation and readjustment of the offender. In the last two decades we have contended successfully with those who refused to see that casework has a place in an authoritative agency and have demonstrated not only that it does have a place, but that it is an essential requirement if readjustment is to be attained. We have not become adherents of any special school of casework but draw freely from any field or school or discipline which will give us insight into the problems of the offender and enable us to help him help himself. We recognize fully the limitations of casework in an authoritarian agency and function within them just as any other agency must function within its prescribed limits.

Positive progress has been made and this progress

must continue. If parole is permitted to become static and parole agencies too complacent and satisfied with their present accomplishments, there will be retrogression. It is impossible for the worker or administrator who is convinced of the value of parole to read records year after year and be tolerant and satisfied with things as they are. Too many faults remain and too many problems are yet to be solved in our methods of handling offenders. If development is to be strong and productive, there must be cooperation among states and systems, long range coordinated planning and a uniform acceptance of the common objective of community protection by the adjustment of the individual.

Specifically, what do we mean by adjustment? Who is the well adjusted parolee? The well adjusted parolee, in a brief and oversimplified description, is a parolee who is vocationally, physically, mentally and socially well on his way back to a normal, responsible life in the community. This adjustment is invariably the result of a casework process that began with the probation or parole officer's first contact with the family at the time of the initial investigation, continued in the institution, at the parole board hearing, during preparation for release, at the time of the initial interview in the parole office and throughout the period of parole supervision.

How can the necessary essentials of this adjustment be brought about by the casework efforts of the parole staff? A few possibilities for good casework are suggested in the phases of the overall process described here.

The Investigation

The parole investigation takes place while the inmate is in the institution, preferably within a few months after his reception. The parole officer's visit to the home and his interviews with parents or other relatives provide an excellent opportunity for explaining the pur-

pose of the agency and its objectives as they relate to the inmate after release and for preparation of relatives for the kind of cooperation which will be most beneficial to the parole office and to the parolee. During the investigation an effective casework job can be done with the family, and indirectly with the offender in the institution. On a material basis the parole officer can determine the needs of the wife, children or family left behind by the inmate and can provide for these needs through his contacts with various community agencies and resources. In this way the families can be helped to handle some of the multiple problems caused by the removal of the offender from the home. After the inmate's commitment the family is usually confused and bewildered, with little or no understanding of the meaning of the sentence, the length of incarceration, the institutional program, parole eligibility requirements or parole supervision. No other agency in the community but parole can clarify this puzzle, and by interpretation and explanation help the family face the problem. The parole officer's interpretation of the sentence, the treatment processes, and if possible the offender's behavior, can help the family relate themselves to the whole situation and prepare for the role they must play after the inmate's release.

Frequently the emotional needs of relatives exceed in intensity those of the man himself. The family's insecurity, anxiety and frustration over the uncertain future can often be relieved by the supportive casework of the parole officer. During the investigation interviews a relationship can be established with the family which will encourage them to turn to the parole counsellor for assistance not only during the period of the inmate's incarceration but also after his release. If necessary the parole officer can act to modify home situations or change the attitudes of relatives which may have been contributory to the delinquency of the inmate. Indirectly, the effect of casework with the family will often be ex-

tended to the inmate in the institution through correspondence or family visits. The understanding which they have gained is often transmitted to the man consciously or unconsciously, and sometimes more effectively than if it came to him directly from the parole officer.

The Institution

The institutional parole staff, continuing the process of casework in cooperation with the investigating parole officer and aware of that officer's findings, evaluations and efforts in the home, can coordinate planning and help prepare the inmate to meet his situation after release.

In the institution, physical and vocational preparation for release is an essential and practical aspect of the casework process. Adequate medical attention can provide for the correction or amelioration of physical defects which may have contributed to the delinquency. Serious illnesses can often be detected and checked in their early stages. Treatment can then be continued without interruption after release. An institutional program of vocational testing and guidance, with practical correlated training, can prepare the inmate for suitable and satisfying employment which is basic to any successful parole program. Education must be considered as a major part of vocational adjustment in any situation. The parole staff can help select the more intellectually capable younger inmates and arrange for them to continue their interrupted academic courses outside.

Members of the institutional parole staff, through the medium of casework interviews, can help the man in prison reorganize his thinking and attitudes, accept new values, and recognize his responsibility as a member of an orderly society. He can be convinced that the parole agency will be an agency of help rather than hindrance.

The Parole Board Hearing

Casework opportunities in parole are not limited to the staff of a parole agency. There are ample opportunities for boards of parole to function on a casework level. In most parole agencies the board acts as an intake bureau in selection for release. When prisoners are eligible for parole consideration the board is usually aware of the economic, social, physical or emotional problems presented, and during the interviews at parole board meetings can prepare them for better adjustment under supervision in the community. Inmates can be helped to talk freely about their problems; tensions can be relieved, and authority can be employed in such a way as to persuade them to accept it as a proper and necessary part of life rather than as something to be resisted and detested. Many board interview reports are replete with constructive discussions of marital and economic difficulties, vocational possibilities and the treatment in the community of specific problems.

Pre-Release Interview

The parole staff in the institution can provide practical help in preparing the prospective parolee for the uncertain and often fearful quasi-freedom which lies immediately ahead, can strengthen him for the first meetings with close relatives and friends on the outside. He can help the man to relate the period before incarceration with the present, both from a personal and a community standpoint and so enable him to face his problems with some measure of understanding.

The institutional parole officer can try to correct the misconceptions and misunderstandings of parole which have resulted from the fabrications of returned violators, and can help persuade the inmate that the principal concern of parole is in his rehabilitation; that if he is returned as a violator, it will be because he failed

to take advantage of the opportunities extended to him. Inmates can be informed properly of the necessary rules and regulations of parole and helped to face the reality, the fact that they will have to abide by these rules and regulations and adjust their future conduct in accordance with the limitations of the law enforcement obligations of parole. Inmates may be helped by counseling on many of the practical problems which will face them after release—problems of personal appearance, dress, manners or ordinary, everyday social behavior.

Initial Interview

The first meeting between the parolee and his supervisor is of major significance in the casework relationship. In it the worker utilizes the amenities of common social relations and sound generic principles of interviewing, laying the groundwork for cooperative action and genuine mutual participation. The worker will recognize accumulated tensions and strains which the parolee reveals at this time. Institutional officials and most parole officers are well aware of the psychological impact of the approaching release date and of the increasing pressures which usually come to a climax with a night of sleeplessness, and in some instances, of actual physical illness before the day of release. The causes of this reaction are not clear. They may be rooted in antagonism, or in resentment of the prospect of parole supervision or they may be merely anxiety and insecurity about the unfamiliar, confusing situation ahead. Confronted with this mood in his new client, the parole officer can meet it with an effort to establish the foundation for lasting and constructive relations with the parolee.

He can use this first interview to explain the purpose of the agency and its plan. The parolee can be encouraged to accept rules imposed as fair and reasonable guides of conduct rather than solely as restrictions. They can be explained partly as reiterations of laws applicable

to all persons, partly as reasonable administrative controls and safeguards designed to protect the parolee in the process of his adjustment in the community.

The initial interview is used to integrate pre and post release processes. It bridges the gap between the past and the future and introduces the parolee to the last step before unrestricted freedom in the community. A constructive feature of the initial interview is the parolee's knowledge that the parole officer is aware of his past difficulties and weaknesses and still accepts him without censure as a person to be given every opportunity for readjustment. His rights as an individual personality are accepted without question, regardless of the nature of his past.

During this interview the skilled worker prepares the parolee for supervision by planning with him, not for him, advising about the conditions under which he will be supervised, about home, employment and office visits, and probable frequency of these contacts. The parolee is told that the degree of his adjustment will regulate the frequency of these visits and that the relaxation of positive controls will depend upon his own efforts, upon his progress and adjustment, and upon his ability to accept responsibility.

Period of Supervision

The occasions for casework assistance during the period of supervision are innumerable. The parole officer may arrange correction of physical handicaps; may secure better employment for the parolee; may investigate and prevent exploitation by employers; may rectify inadequacies in environment; may help to solve family conflicts and provide constant encouragement. Counsel and guidance in the matter of purchasing hospital and life insurance, savings bonds and homes, in using credit and establishing savings accounts, can be positive aids. The worker should extend every effort to provide the

parolee with a sense of security and a feeling of satisfaction in his restored role in the community.

Parole casework in most agencies is entirely a service program since there are usually no funds to provide food, shelter, clothing, transportation, medical care or any of the other necessities of the parolee and his dependents. It is therefore essential for the parole officer to possess thorough knowledge of community resources and to maintain good interagency relations at all times. Opportunities for the practice of casework are presented during the entire parole process and the skills of the trained worker can be employed at every step, even in disciplinary situations and when parolees are being returned to incarceration as parole violators. Such casework involves a discriminating use of authority, coupled with modern and practical techniques.

Many problems are yet to be solved before the ideal of individual treatment for the offender can be realized and casework methods applied on a scale broad enough to produce uniform good results. The procurement and training of personnel is one of these problems and the education of the public is another. The subject of trained personnel for the correctional field is a controversial one, and it must be acknowledged that the majority of workers have had no special training. Unfortunately many of them see no necessity for such training.

No one in the parole field will deny that special assets and knowledge are necessary here which are not required in other areas of social work. The parole worker must be a physically capable, courageous individual, able to earn and hold the respect of his clients, many of them hardened offenders. He must be prepared at any time to shift from caseworker to law enforcement officer. He must understand the conditioning of prison life and the various problems which result from such conditioning. He has to appraise risk and detect pre-delinquent tendencies in parolees. He must be familiar with the delinquency patterns of certain offenders and be aware

of deep antagonism and resentment which must be overcome in many cases before constructive relationships can be established.

In brief, special skills and knowledge are peculiar to the parole field and must be acquired before the worker can competently perform all the duties of his position. But the parole officer who has these special skills and in addition has had formal casework training, has a greater contribution to make than the officer who lacks training. Conversely, trained people from other areas of social work are not just by virtue of their training, good parole officers. They must first learn to adjust their skills to the special needs of parole and learn to use the methods we have developed so painstakingly over the years.

Whenever possible we should encourage our officers to take training in schools of social work. If experienced officers can become accredited as caseworkers, even as psychiatric caseworkers, they will bring back to the field the benefits of an ideal combination of practical specialized experience and professional skills. They will be able to select and use those techniques and methods which are applicable to the parole field and discard those which are not. In addition, they will be available as instructors for in-service training programs.

As a matter of practical consideration we are not going to have skilled caseworkers or even staffs trained according to minimum standards in all parole agencies for a long time to come, and we shall continue to function pretty effectively just as we have in the past. But we must be aware of the value of training. We must avoid the rationalization that we do not need trained workers because we do not have them. Properly trained, competent personnel form the nucleus of any progressive parole agency. Progress will come principally from the study, research and stimulus of the trained worker.

During the past few years schools of social work have awakened to the pressing needs of the correctional field.

Programs have been instituted or are planned to prepare students for work with offenders. These courses will undoubtedly bring excellent prospects into the field. Progressive correctional administrators should be prepared to cooperate to the fullest. Consultation services should be available, study material supplied, and facilities provided for field training. Administrators should be prepared also to offer competent instructors for university courses if such courses are to have real value. Correctional workers with status in the field and acceptable educational backgrounds should be made available to cooperating schools which are preparing professional programs in the correctional field. Cooperation should not be restricted to the training of workers but should be extended to research and study. Practical problems must be defined and interpreted and guidance must be given by the field agencies in mutual planning to avoid misdirected emphasis on relatively unimportant phases of parole operation.

For many years an extraordinary amount of research has been conducted on parole prediction without practical or significant results. While this research may have some value as an aid to parole selection, the really important factor in parole is parolee supervision and it is this area which should receive emphasis in research above all others. The effectiveness of any parole system depends upon the effectiveness of its methods of supervision and no formula or set of tables will ever be satisfactory substitutes. The idea of prediction is somehow inconsistent with the principle of individual treatment which has grown more pronounced in recent years. A process has been at work which can only be described as de-criminalization. All over the country certain classes of offenders have been removed from the category of criminals and designated as social problems—problems requiring treatment based upon casework concepts and not upon revenge or punishment. Laws have been enacted to provide special treatment on a casework

basis for the juvenile delinquent, the youthful offender, the wayward minor, the young female offender and even the sex offender. This trend reveals some of the limitations of our present concepts of treatment and the need for continuous study and re-evaluation of our methods of supervision. Facilities for analyzing and interpreting trends in the field and provision for adjusting our concepts of treatment in accordance with changing conditions are called for.

We have not succeeded fully in obtaining public support and confidence and until we do, our progress will necessarily be limited. We ourselves are responsible in large part for the prevailing misunderstanding of parole and its methods because we have failed to make a positive effort to educate the public. As a result the current concept of crime and its treatment remains substantially the same as in the eighteenth and nineteenth centuries. The community, properly concerned with its security and protection, is familiar with only one method of treatment, removal and segregation of the offender.

Over the years we have gained an appreciable measure of acceptance as we have shown success in parole. We must convince the public by an intensive educational program that casework is effective and that permanent protection can be achieved only by fitting the offender into the community as a constructive rather than as a destructive force. If we can secure general public acceptance we will have intelligent, effective parole systems; the community will have the best possible protection and the offender will have the opportunity to which he is entitled.

Probation and the Homeless

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SOME of our own displaced persons we treat with a callousness reminiscent of old Dartmoor, of Bedlam and of barber surgeons, who with smug ignorance bled their patients and complacently watched them die. I am speaking about youths who, like weeds, persistently take root in the sunless crevices of our cities, who are ruthlessly plucked, just as ruthlessly discarded, and who just as persistently take root, are again plucked, again discarded. So the vicious cycle continues, inexorably forcing the sixteen to twenty-one year old petty delinquent into adult criminality.

The district attorney of New York county, in his last annual report, epitomized the problem of these youths in terms of probation, when he said:

"The boy, whose offense was mild, had neither home nor parents; he was committed to an institution. Commitment was unavoidable, however, as the only means of protecting the community. If a proper home had been available, this boy could have been placed on probation. There are no such shelters for boys in this city. This need has for many years been frustrating the courts and the probation and parole authorities."

The usual solution in most cities is to provide a flop in a municipal lodging house, where the youth beds down with derelicts (a fine place for a kid), or an order to get out of town, or commitment to a crummy jail. The last is not necessarily a pleasant experience, but one which at least offers a bed and food. A homeless lad was to be placed on probation, but had to spend three weeks in jail while a home was being sought for him. In imposing sentence the judge said, "Well, I suppose you didn't like the three weeks you spent in jail, did

you?" The boy replied, "Oh, it was fine. Three square meals a day, basketball on the roof, and some very nice guys."

The answer and the naive grin which accompanied it, revealing years of deprivation, staggered the recently elected judge, but it was an old story to me as it is to all of us who must tussle with the enigma of the homeless boy who properly should be placed on probation, but whose release goes beyond the limit of a calculated risk.

Thus in most instances all that a judge can do is to commit the boy to a correctional institution and hope that some miracle will occur and a home will eventually materialize. We know it seldom does, and the viciousness of the cycle becomes even more obvious since sooner or later the parole authorities are confronted with the identical problem, after considerable personality damage has been done.

However, in exploring the problem of providing homes, we are confronted with many and bewildering ramifications, with concepts such as temporary shelter care, residence clubs, treatment homes, short term versus long term care, and so forth. Of course, program is important in contemplating a shelter; it is important to determine whether the place is to be for seriously disturbed youths or whether it is for short or long term care. But what is more important in terms of community responsibility and practical planning is that in the city of New York, and I don't think we are unique since the same problem exists in almost all large cities, there are practically no proper facilities to house a group of youths between sixteen and twenty-five, numbering approximately 1000 each year, according to recent citywide compilations.

Among these homeless there is first the wanderer, who clearly requires temporary care. He is the transient, the adventurous rather than the primarily delinquent youth, who finds himself in a large city, and for whom shelter must be found until arrangements can be made to return

him to his home in a distant state. Then there is the youth who because of the recent death of a relative, a quarrel at home, or other circumstances which render him temporarily homeless, needs a decent place to live until he can be helped to face and resolve his problems on a realistic basis.

Another subgrouping is that of the homeless delinquent who is arraigned in a court, discharged on a technicality, and released with no supervision until he is arrested again—this time caught at something good—again pushed through the revolving door of legal procedure, to be finally dumped into an institution. The entire senseless and expensive procedure could in most instances be avoided if the community had foresight enough to economize in the first place by providing adequate after-care coupled with necessary housing.

The Categories

The problem of the probationer, upon whom we are focusing attention, falls into three broad categories. One of these deals with the relatively small group of seriously disturbed youths who require residence in small treatment centers where they can be afforded psychiatric care or intensive casework therapy. However, because of the void which exists in the shelter field, it would be pointless to add to the chaos by at this time trying to develop blueprints for such an ideal and expensive facility. And so, regretfully recognizing this, let us turn our energies into areas wherein we can more reasonably hope to find some practical and immediate solution for problems which are of greatest urgency.

Here we find the completely homeless youth with few or no familial ties, who needs a decent place to live and some positive experience in a supervised group-care situation if he is ever to become a self-respecting productive member of the community; a boy, such as Gordon J., a nineteen year old, who had been wandering around New York City for three years.

He is about five feet tall, weighs about 110 pounds, and looks like a twelve year old child. His baby skin has never felt a razor. His physiognomy is unformed and his features are dull and without expression. His manner, while responsive, is relaxed and innocent, with no trace of maturity. Born on the west coast, he is the product of a broken home. His mother had married Mr. J. when she was sixteen and he was thirty-one. She had been attracted by his uniform, that of a merchant seaman officer. Two weeks later she wanted to return home because her husband drank to excess and abused her. Being too proud to do so, she remained with him and ultimately bore eight children.

Through the depression, Gordon's father had little employment and the family was supported by relief agencies. About 1940 Mr. J. went back to sea and is now believed to be dead. Despite the fact that the mother verbalized great emotional attachment to the children, she was never able to translate this in terms of affection and intelligent planning. She eventually became promiscuous and with her older daughter catered to sailors on the waterfront. Social agencies then intervened and the eight children were committed to institutions.

During this period Gordon was regarded as the black sheep of a pretty black family. He was consistently in difficulties with the school authorities and the neighbors. At the age of sixteen he ran away from a child-caring shelter, wandered about the country and eventually landed in New York. His mother disappeared about two years ago and the minor children are still cared for by social agencies.

Gordon is a strongly conflicted youth with no insight into his feelings of frustration and inadequacy; he has much hostility and an unconscious resentment against society. However, despite the fact that he has always lacked most familial influences which contribute to character formation and maturation of personality, he had not, until he appeared in our court for a burglary, come

into overt conflict with the law and had managed to be moderately self-sustaining. In any great city the picture of this youth can be multiplied an infinite number of times.

A job and a furnished room, though they would take care of his immediate physical needs, are not the answers to Gordon's problems in a social sense. Handicapped economically, if he loses his job he loses his home, and the cycle begins again. It is obvious that Gordon and the thousands like him inevitably become criminals. A cold night—no food—no shelter; for him the solution is to steal. If he then is placed on probation the cycle inevitably continues, since the whole focus of our socialized jurisprudence becomes distorted because we lack adequate facilities.

It is visionary to expect such a boy, without ties and lacking confidence in adult guidance, to respond to probation treatment. Suspicious and distrustful, he will disappear before the probation officer has the opportunity to utilize casework approaches aimed at developing that positive relationship without which probation becomes an empty word. As it stands now, the judge is faced with the Hobson's choice of turning loose a bewildered and virtually helpless youth with no personal or environmental props in a critical period of his development, or committing him to jail. It is indeed tragic that in large and allegedly wealthy cities no one, but no one, except those who daily fight with the problem, can possibly believe that there is no adequate place for Gordon J. and the thousands like him.

Another group which perforce we must regard as homeless are those youths whose family situation has become so deteriorated or impoverished emotionally or economically—or both—that it is impossible to reestablish it. All of us are familiar with this situation, the situation which confronted James W. James is eighteen years of age, the oldest of four children. Both of his parents were alcoholics; the father died in a state hos-

pital for the insane when James was not yet thirteen years old. His formative years were marked by neglect to which he reacted aggressively. His juvenile history shows a number of appearances in the children's court, intermittent institutionalization and foster home placements. He had difficulty in school despite his superior intelligence, and his education terminated in the seventh grade when he was discharged as "not found."

His mother is unemployable and a recipient of public relief. All the younger children are institutionalized. In her neighborhood the mother is regarded as a simple-minded alcoholic. She lives in the basement of a rooming house which is tenanted by shiftless, dependent, unattached alcoholics. Her room is vermin-ridden and smells to high heaven. James at times has slept on a filthy dilapidated cot in an adjacent basement hallway.

People who have known James and his family for a long time say he has never had a real home. For the last four years, he has loitered about the streets sleeping in parks and public places. He has been in and out of the homes of relatives, all of whom eventually lost interest in him.

There has been a total lack of direction in his general conduct and he presents the picture of an intelligent but extremely confused, bitter and emotionally unstable youth who has nothing to which he can attach himself.

But don't think that plans are not being made for the Jameses and the Gordons. All sorts of plans are being made, plans that range from the \$2.40 per day which one department of welfare can at present offer to pay for room, board and clothing, to elaborate architects' drawings of dream houses, fabulous and monumentally expensive institutions, complete with swimming pool, ball field, and auditorium. The limitations of the welfare department's program are obvious, but the projected edifices of a well-meaning but unrealistically motivated group require some examination.

Simple Facilities Needed

These people are thinking in terms of institutions, when another institution is exactly what the practicing worker doesn't need and doesn't want. What is urgently needed are facilities which can be utilized to help the youth make his transition from semi-dependency to a self-sustaining status in the community. Complexity seems to have an intriguing allure, so perhaps it is the utter simplicity of the needed facilities which makes them so difficult to attain. The simple answer which suggests itself is that apartments in middle class residential sections be rented and so remodeled as to provide bedroom facilities with two or more beds in a room, for a group ranging from eight to fifteen persons, the fewer the better. There is nothing revolutionary about this plan; something like it has been tried in at least one large city and it is considered accepted practice in work with the aged, where instead of congregate living quarters, couples are subsidized in small apartments.

Our residence club would offer the advantage of living in the community under adequate supervision, in a moral setting which approximates a home. It would not impose the stigma of living in a so-called shelter or correctional type of institution since the plan is to house non-delinquents as well as probationers and parolees; it would prepare for self-supervised life in the community, and above all, it would allow freedom of choice to the youth.

Insofar as possible, the home is to be integrated into the neighborhood, not as a shelter but as regular living quarters. No special recreational facilities beyond normal, livingroom activities should be projected. No ball fields, no gymnasium, no cultural facilities are to be provided for the youths as a group. If the neighborhood kids play stickball on the street or softball in the public school yards, visit the public library or attend dances at the settlement—so should our charges.

A married couple with an assistant, preferably a student in a graduate school of social work, should be responsible for the normal functioning of the establishment. They would provide breakfast and dinner, and endeavor, as far as possible with such a comparatively large group, to create the decent, moral home atmosphere of which these lads have been deprived. This basic homely task is to be their main function.

The over-all supervision of the moral and physical climate should be left to the authorities defraying the cost, but the homes should not be regarded as treatment centers per se. Treatment on a casework level should be the responsibility of the referral agency which must maintain close interest and supervision.

The home should be maintained through public funds. The boarders should gradually become self-supporting, contributing to their own maintenance from their earnings budgeted in terms of their other needs. The home should operate on a continuing turnover of three to six months, more or less depending on the need of each individual. Its objective is to build the boy into a socially self-sustaining person and then return him to his family, move him to a "Y" or to a furnished room or other desirable unit. Length of stay is to be predicated not upon a time limit, but upon intelligent, professional planning which—and this is basic—contemplates the residence as a preparatory stage for reestablishment in the community.

Important in terms of need is the speed with which this type of residence club can be established. The comparatively low cost of the system as compared to institutionalization should recommend it to the fiscal authorities once they have become convinced that it is necessary and practical.

Unhappily, public clamor and a touch of hysteria and menace are needed to stir some authorities. The squeaking axle does get the grease. Today those interested in developing institutions and attempting to secure adequate

treatment for the recidivating sex offender and the so-called psychopath, have been making great strides although these two classifications form but a fragmentary section of our correctional problem. Into these programs are poured money and tremendous energy. This despite the fact that in some states programs at this time are embryonic and even impractical.

If we just pause for a moment we will see that they are acting upon the end result, completely overlooking the patent truth that some of these very youths of whom we are now talking represent the storehouse from which the future sex offender and the criminal psychopath will be drawn. From today's mobile reservoir of homeless, drifting youth, frustrated and embittered, and frantically seeking to satisfy emotional and physical needs, are drawn the criminals of tomorrow. Ignored today, tomorrow with personalities damaged beyond repair, they will be sucked into the whirlpool of sex deviation and confirmed criminality.

I am not suggesting that we return to our communities, engage in sensational exposés and create hysteria. Rather we must keep stressing and repeatedly stressing to civic groups and fiscal authorities the gaping void in our approach to the problem of youth. It is time to stop the correctional revolving door.

If our diagnostic processes are to be meaningful in terms of socialized dispositions, and if probation is to continue to pay more and greater dividends in human salvage, then every community must recognize and give immediate attention to the plight of homeless youths. Probation officers everywhere cannot in good conscience stand mute, while those in this tragic procession wind their way into reformatories only because they have no homes.

VI PSYCHOLOGICAL STUDY OF PERSONALITY DEVIATIONS

The Criminal Psychopath

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OF all types of criminals the psychopath is perhaps the one who has proved least receptive to our modern methods of rehabilitation. The majority of criminals—the accidental offender who is led away by temptation or overwhelmed by circumstances, the neurotic who commits crimes because of emotional conflicts, and even the mentally deficient who breaks the law because he just does not know any better—are to varying degrees amenable to the rehabilitative schemes and supervisory programs of today. Their behavior is on the whole understandable, and as a rule predictable; and parole and probation staffs, when they have the cooperation of the community, are adequately equipped to handle them.

The criminal psychopath, however, is a study in contrast; his actions and reactions are frequently bizarre and unforeseeable. Often he reacts to kindness with suspicion; to sympathy with hostility; to reasonableness with unreasonableness. He shows no guilt and seems altogether to lack a conscience. Neither threats nor punishment are usually of any avail. Unlike ordinary people, and even neurotics who can be made to toe the mark by intimidation, the psychopath is more likely to become defiant than subdued when his fears are aroused. Sometimes for no obvious reason he relapses after an initial improvement.

Joseph, a criminal with a long and violent record, illustrates the development of the psychopath. Three times he was charged with serious crimes before he was

fourteen. His first offense was stealing a large sum of money from the safe of a social club, with a small gang. Even as an adult he felt proud of the fact that when he was only twelve the police subjected him to a real movie type of third degree. Four boys were involved in the case and not one confessed even though they were beaten by the police. In the end each was tricked into confession by the statement that another had told all. Handcuffs were put on Joseph, he was kept behind bars in the police station, rode in the Black Maria, was held on bail and appeared in court. Most of the money was recovered and he was put on probation. When the danger was over, my patient said he looked back on it as more fun than the childish game of cowboys and Indians.

He next ran away from home and lived in a beach resort for three weeks, tying up with an older boy of eighteen. Joseph had induced a sixteen year old to run away with him, and the three formed a gang. My patient at the time was just under thirteen. During the day the gang stole the clothes of bathers, broke into lockers and snatched purses. At night, with my patient leading and showing the older boys how it was done, they burglarized clothing stores, groceries, and the like. The spoils, except for the money, were distributed to beachcombers in the dead of the night. Joseph told me that literally hundreds of these derelicts were living on the shore of Coney Island. They sifted sand during the evening, looking for money lost by the bathers, and at night drank themselves into a stupor with cheap wood alcohol mixed with water. According to Joseph, never in their born days had these "smoke hounds" eaten so well as during the three weeks he and his friends were on the beach with them.

The three were caught in the act of leaving a shoe-store. The police mistook them for grownup robbers, and Joseph was taken at the point of a pistol. The two older boys were beaten brutally, but he, the youngest, was untouched, except for being handcuffed to a chair.

Again he was placed on probation. Joseph told me that he was disappointed at this, and I asked him in surprise whether he thought he should have been let go scot free. "No," he said with disgust at my being so far off the mark, "what I wanted was that I should be sent away. I think I told my mother that I wanted to be sent away. I never even answered the judge when he asked me if I would be good. The only thing that kept me from telling the judge I wanted to go to a reformatory was that I was ashamed to admit it. It was supposed to be a threat and something terrible. I felt silly about actually telling them to do it."

We cannot go deeply into the background of this patient but a brief sketch of his environment will confirm not only that it takes an unhappy childhood to produce delinquency, but that the consequence of delinquency in childhood is criminality in adulthood.

Joseph's parents were Jewish immigrants from eastern Europe, orthodox though not rigid. The mother had been raised by an aunt after the death of her mother, because her father did not want to be bothered with her. The father, who had a more normal family life, left Russia to escape the oppression of the Jews there. Joseph's infancy and early childhood marked him by its poverty and deprivation of emotional life. His father became a junkman not long after he arrived in America. When Joseph was about a year old his father became involved in some sort of criminal activity and was sent to prison for three years. Except for prison visits Joseph did not see his father until he was four.

His younger brother Bernard was born after his father's commitment. His mother, with four small children on her hands, led a doleful life. They lived in a filthy dilapidated Connecticut slum, their nights filled with drunken cries from nearby speakeasies. But worse than that, in and around the area lived a majority of non-Jewish immigrants from eastern Europe, who found here rich soil for their sadistic anti-Semitism. Joseph

remembered well that whenever his mother took the family out on the street they were assailed with cries of "Aiy, Vye, Zhitky, Vye." Often they were pelted with stones.

Things got worse when his mother had to go to work to keep them from starving. Then the three brothers and the sister were kept locked in the dark rooms of their home. Once they were all saved from burning to death by the accidental intervention of a friend of their mother's, who in passing saw the fire. Another time, out of sheer loneliness Joseph's older brother who was four and a half managed to open the door and let in the child of a Polish neighbor. The boy's mother not only smacked her own child, but beat up Joseph and his brother. Joseph's mother on hearing of this had a fight with the Polish woman in front of her children and others in the house, both women scratching and pulling hair. The battle left a horrible and ineradicable impression on all the children.

On the father's release from prison things did take a turn for the better. The family moved to a better neighborhood in another city and for two years lived in a nice dwelling, ate regularly, had decent clothes, and had a rather happy family life. This was the only normal period in Joseph's life.

To the mother who had strength of character and purpose, her family made up for the indignities she had suffered as a child in the home of her aunt. Time and again she would tell her children that they needed the help of their father and others only to get over the difficult early years. When they were grown it would be different, they would be able to earn their own way and make something of themselves.

Joseph's mother made a great point of the fact that she never showed fear or any other emotion under stress. She never cried. She would be furious with any of the children if they sniffled or even looked at their tormentors when they were pelted with stones. She

openly expressed contempt for the rest of the world, including her husband. She insisted that they could be entirely self-sufficient and had no need for anyone outside their immediate orbit. Neither she nor the children had any relatives in America; she had no friends herself and resented it if the children played with anybody. She pointed out to them that she was not envious of anybody's possessions, which left them with the feeling that they should want only what could be easily obtained. None of the children would ask for sweets or a toy, and they would show pleasure only when sure such things were to be had. When Joseph came to see me I was struck by the fact that, despite his years in prison where he was deprived of every sort of luxury, he did not express any longing for even the simple amenities of life which give the ordinary person pleasure. I was further struck by his emotional detachment from people and things. This too could be traced in part to the mother's attitude.

When Joseph was twelve and one half his mother obtained a legal separation from the father with a court order for support in the amount of \$15 a week. This was little enough for her with five children to feed (a fifth child had been born about two years after the first return of the father to the family). The father made only two payments and then disappeared never to be heard of again, leaving his unfortunate wife once again to carry on with her big family.

By this time Joseph was a very neurotic child. He wet the bed, had violent tempers, made poor conduct grades in school (though he got high marks in many subjects), and as he told me, was already overpoweringly intimidated at the prospect of having eventually to support the family. He and his younger brother seldom played with friends near their own home, partly perhaps because they moved about so often, but also probably from a sense of shame about their position, their father's past, and the feeling of always being out-

siders. Another element of course was his inability to develop close attachments.

My description of Joseph's behavior as neurotic is made after a great deal of consideration. The temptation to label it already psychopathic is strong. However I think such a diagnosis at that point would have been premature despite the subsequent developments. The pattern then was plainly neurotic. Wetting the bed signified the strongest kind of resentment toward the mother for placing them in their unfortunate position. Joseph's delinquencies all seemed to point to a desire to get out of the home, partly to escape premature and future responsibility for support of the family, and partly because his guilt over being a burden on the mother was day by day getting more unbearable. Joseph, knowing his own inferiority (or what he considered his inferiority) so well, considered his mother's hopes for a future position of responsibility for him ill founded. Another facet of the situation was the mother's rigid sense of honesty. Joseph well knew that she would disapprove of anything that smacked of dishonesty. On the other hand, he had such a strong sense of obligation to his mother and his family (it is a peculiar fact that the less a child receives from his family the greater is his gratitude for what he gets) that he felt everything he earned or acquired should go to his mother. Thus it worked out that the only way for him to obtain pleasure was by dishonesty. It amounted to this: "My mother will not accept or use stolen money or other things; therefore it is all right for me to enjoy them myself." However he could not quite escape his own moral condemnation of himself. The only acceptable solution that offered itself was for him to leave the family, but it had to be in a way that would bring him suffering. Otherwise he could not bear up under his guilt.

Being sent away to a reformatory was then most appropriate to his state of mind. This solution, moreover, tied in with his unconscious feelings of identification and

sympathy with his father, who had also been sent away. It was inevitable in the light of what I have described, that in the normal course of events he would accomplish his end. Three times he was brought to the juvenile court and given a chance. The fourth time the judge had no alternative but to commit him.

It is my considered opinion that it was his experiences in the training school which finally converted his neurotic pattern of behavior into a psychopathic one. This is more apparent in Joseph's case than in any other case I have treated. The first year in the reformatory (Joseph told me that it was a serious offense in the institution to name it "reformatory" in their letters home—the proper designation was "school for boys") Joseph was completely unmanageable. In several instances the records of the institution showed that he came within an ace of being sent away to another institution for more serious offenders several times but was saved because of his youth and the good reports from the teachers in the institution school.

Among his offenses during the first year were hitting one of the "trusties" on the head with a brick (he never told the cottage father that the trusty, an older boy, was trying to rape him and he struck him in self-defense), breaking another boy's nose with his fist; fighting, urinating on the head of a cottage mother from the dormitory window, engaging in homosexual play, etc. For these offenses he was brutally punished and forced to work every moment of the day until he went to bed, except for the time he was in school. Once he attempted to run away and was caught; the second time he planned much better and was successful in reaching the city. He stayed away about three weeks but returned on his mother's advice. He contracted a serious case of poison ivy which hospitalized him for a month.

About the second year a surprising, not to say startling, change occurred. He became a model boy. After a few months one of the cottage fathers was so impressed with

him that he made him a trusty and put the management of the cottage in his charge. The institution authorities considered this an eloquent example of successful institutional therapy. He was released in twenty months as "cured" and the report predicted a satisfactory adjustment. Actually he was released many months before other boys who had much less serious records. (The average stay of the boys in this school was twenty-six to twenty-eight months.)

If the training school had had an adequate follow-up plan the fallacy of this prediction and appraisal would have been discovered. Joseph was indeed subdued in contrast to what he had been when he was sent away. But his meekness was a far from healthy condition. He was unable even after he had been out many months to make one friend, nor was he able to approach an employer for a job. His sexual abnormalities, intensified by his homosexual experiences in the reformatory, were expressed by sadistic sexual fantasies, both homosexual and heterosexual, peeping in windows and excessive masturbation. He took no pleasure at all in ordinary activities. We cannot examine more fully here the extent and dynamics of his abnormal sexuality at this time, except to indicate how unreliable was the prediction of adjustment. Joseph was, he told me, incapable of looking at or speaking to a girl or woman.

He stayed home about a year and a half after his release. He said he would have left earlier except that his elder brother had died and for a while he assumed the family responsibility, taking over his brother's job as clerk in a store. He left home for no apparent reason and went "on the bum," which meant tramping around the country, sleeping wherever he could and begging for his food. He did this for two years without any criminal activities beyond being a vagrant and train-rider. During this time he himself said that though it was in the depression period he had a number of opportunities to make good through the help of friendly peo-

ple. Always when things were going best, or people took a liking to him, he would leave for no apparent reason.

Understanding what happened in the reformatory when Joseph became "good" is important to us if we are to gain insight into the psychopath. One of the most important mechanisms of the psychopath is that of "depersonalization," a term I use for want at present of a more descriptive one. Depersonalization in this sense is a sort of emotional detachment, a cutting away of oneself from the strains and stings of reality. It is the creation of an armor to ward off emotions and thus be able to bear up under painful experiences. This was his first prolonged experience in "not feeling."

In his two years of vagrancy when he floated around the country in every state of the union, worked on ships, and had many fantastic experiences, it was no problem for him to avoid any sort of emotional attachment. He told me that when he got too friendly with anybody or they with him he would simply leave and go to another part of the country without giving any notice of his intentions. Rather suddenly this shiftless life palled on him. He began to feel unmanly. At about this time he began his criminal activity, and concomitantly to indulge openly in homosexual experiences, with himself always in an active masculine role. He explained to me that though he wouldn't have admitted it then, he was fully aware that his homosexuality was a substitute for more desirable feminine companionship which he was too sexually inhibited to seek. He began rolling drunks whenever the opportunity offered and gradually drifted into more serious crimes ending in a series of about seventy-five holdups. It is an interesting fact that he used the money from his first holdups to take out a girl who within the week became his mistress. She lived with him up to the time he went to prison a year later. He proved to be skilful in his crimes but was apprehended through an informer while he was in bed. He received

two consecutive sentences and served nine years in prison. I saw him five months after his release. By that time he was already married to an attractive girl and they were expecting a child.

The initial period of his release was rather stormy. He was paroled to live in the home of his mother. He was given a factory job which was much below his capacity, except that he had held only one job in his life. He was so lonely and disturbed because of his long stay in prison that he took to drinking. He met a former convict friend and was nearly returned for the wild things they did together. Just before he married he was on the verge of suicide. His conduct at this time however was not criminal, but surely enough to be considered a violation of parole.

It is not my intention in this paper to go into the details of treatment. Concentration was on overcoming the after effects of imprisonment, counteracting a very serious parole anxiety, overcoming his work inhibitions and breaking through his depersonalization in order that his relation to his wife would take on a real emotional significance.

I saw this patient about sixty-five times over a period of five months, then kept in touch with him by phone, letter, and occasional visit for several years. It is now over five years since I first treated him. Each year since the treatment he has continued to improve until now he is normal in most of his relations. His marriage is successful, he has two children, a good job, and he is getting ahead.

Depersonalization

This case history indicates that the difficulties of the psychopath arise not because he is unable to feel emotions or guilt, but from the fact that he feels them too intensely and painfully. Vacillation from one extreme to another makes it impossible for him to respond rationally to a situation. His anxiety is incited to such a

degree that he must either run away, create a counter-acting situation (regardless of the real consequences), or make use to a pathological degree of the defense mechanism of depersonalization, denial of feelings.

Most psychopaths suffer from an intense depersonalization which makes them appear hardened, callous, inhuman (to use our common terms for it) and explains their apparent lack of conscience or feelings of shame. Their crimes are often gestures to counteract or deny unendurable emotions like affection, gratitude, feelings of helplessness or sympathy. They would rather violate the law and go to prison than enter into a relationship that calls for genuine feeling on both sides.

The psychopath's inability to endure friendly emotions is a serious treatment problem. His depersonalization must be broken through, and he must be taught to tolerate the emotions stirred up by good treatment. Genuine sympathy and friendliness on the part of the psychiatrist may break through the psychopath's depersonalization, but this is likely to make him oversensitive to an unbearable degree by awakening resentment over past humiliations and frustrations which the patient then turns against the doctor.

A paranoid psychopath came to me for treatment by order of the court as an alternative to prison. He used to complain bitterly about the coercion, but whenever he had shown the slightest indication of emotion he would stay away for some days. Once he said, "Nobody knows how much I suffer," which for him was a tremendous admission since it was so contrary to his habitual pose of having no feelings at all. After that he refused to come again; he would rather go to prison. I arranged to have the court order rescinded. A while later I wrote to him. He replied complaining about some practical difficulties, adding jeeringly that of course we would not help him with those. I invited him to see our social worker about them. He never came, as I knew he would not. It was essential for his mental

balance to keep his detachment and grievances. Other patients may be more successfully handled so that they can tolerate fair treatment and kindness and come to terms with society. But it is always a difficult and painful process, and the patient must be handled tactfully.

To analyze the patient's reactions to my friendliness is not enough. Sometimes by being casual I may lessen his sense of obligation towards me. It may be better to say that the money I give him comes from an impersonal organization rather than from me; or the fact that I am on friendly terms with his wife may lessen his guilt over his attachment to me. By dwelling on the injustices inflicted on him and emphasizing the help he has given others, we lessen his sense of guilt, and thus enable him to accept warmth and friendliness.

The Negro in the White Community

Another patient was a light-skinned Negro of thirty-nine, who spent fifteen years of his adult life in prison for burglaries and armed robbery. He was an intelligent, self-educated and likable man, who wrote good poetry. But he also drank heavily, occasionally took drugs and was unable to do steady work. He lived with a white woman, and was the only Negro in the house, a situation which imposed a great strain on him. His grandfather was a white slaveowner, his grandmother a freed slave, half Negro and half Indian. He himself was born in the deep south. His father, three-fourths Negro, took his pregnant wife to the woods and tried to scare her with snakes to make her lose her baby. All the patient ever knew of his father was that he was serving a life sentence. His mother passed for white most of her life. She was at times a prostitute, at times the madam of a sporting house, and in between these times the mistress of a number of men, most of them white.

The patient was deeply attached to his mother, both

in love and hate. He had many crude experiences in childhood, including homosexual episodes with some of his mother's lovers. Living among whites he was often deeply hurt at being a Negro. He was darker than his mother, and in passing for white, she invented a lie that he was the son of her maid who was actually the grandmother, by whom he was brought up. At nine he ran away and was subsequently sent to several institutions for juvenile delinquents.

White society, which rejected and hurt him, repeated the behavior of his "white" mother. Whenever I pointed out to him the many bitter justifications for his resentment, he usually confessed to some fault or guilty deed of his own: he tried to justify society (his mother) by putting himself in the wrong. He could not come to terms with it, not allow it to come to terms with him, just as he could not make peace with his mother.

His attitude towards his mother handicapped his relations with women in general. His conflicts of love, hate, and sex interfered with normal relationships. He could not accept a relationship that implied a criticism of his mother, which meant that he could accept only a prostitute or a woman of easy morals. But he could not tolerate such a relation either, because the unhappiness of his childhood arose out of a similarly abnormal and degrading situation. One day the patient related an incident which had impressed him deeply. He was about to hit a white man who had provoked a quarrel, when he saw that the man had only one arm. He realized that the one-armed man was expecting to get away with his nastiness because of his disability. Reflecting further he saw how he was excusing himself.

As with many patients of this type the progress of treatment was irregular, with dramatic ups and downs. As an initial result of the treatment he got a job but he did not keep it. A number of times he came to my office drunk. Once while in such a state he told me he would kill the first person who insulted him, and he

pulled out a knife to prove that he meant it. After some talk he gave up both the idea and the knife. He made the life of his girl a misery. He tormented her with his jealousy and his indifference, his rages and abject states of dependence. He would horrify her with stories of criminal acts he intended to commit. He did do some petty stealing such as taking a man's hat and some food from a grocery. Once he pawned a typewriter which he had stolen, but returned it before he got into trouble. Usually his outburst occurred after he had done well for a while. I told him he had to be bad to compensate for being good.

This case was complicated by alcoholism. In addition, the paranoid trends, visible early, became more pronounced as a reaction to his efforts to normalize. For a while he would accept a job and give up drinking. But then he was faced with living in a more normal situation. He kept several jobs only a month or so. The last one he obtained was writing for a Negro magazine. But he never showed up to take it. After this he drank more and his paranoia began to crop out more fully. He suspected me of trying to find out things to use against him. At one time he had a breakdown and threatened to kill my assistant and others he had had dealings with. However he made no attempt to carry out these threats. He has broken off treatment but calls me from time to time, always drunk and pleading for help. I continue to make appointments which he does not keep.

We have a situation here which is indeed hard to cope with merely through psychiatric methods. After so many years of abnormal life it would take quite some effort for this man to stabilize on a normal level. Relative normalcy brings him face to face with a social situation which operates to counteract the effects of the psychiatric treatment—the Negro versus the white community. In this setting his paranoid tendencies become intensified. It is too late at his age, as he told me himself, to start at the bottom, which for a Negro means being

a porter. Yet, and this also comes from him, the white world will not accept him either as a Negro or as an ex-convict in a higher status. This conflict is so intense with him that he turns to drink and is almost back where he started. I say almost, because I have seen him irregularly for a year and a half and he has not in that time been arrested for any crime—his longest free period for many years. Treatment in this case, to the extent of our knowledge now, serves as a thin and uncertain bulwark against further imprisonment and (I say this hopefully) further *serious* crimes.

Enough has been said to indicate the difficulties in handling such patients. An experienced worker soon recognizes the psychopath among his charges. I was told by an intelligent parole officer that when a parolee proves to be beyond the reach of kindness and reason, when he has tried everything humanly possible to no avail, then he ceases to be a parole officer to the man and becomes a "plain cop" for the protection of the community. Many psychiatrists refuse to have anything to do with such patients. Some even claim that they cannot be treated with the known methods of psychiatry because the illness is constitutional. I do not share this pessimism. I have treated a number of psychopaths with a modified psychoanalysis combined with guidance, and have achieved promising results. As is apparent, my opinions as to the mental structure and the causes of psychopathy differ from the accepted psychiatric views.

Many psychopaths suffer from work inhibitions which leave them no alternative but to turn to crime. These patients are not unwilling, or lazy as some say, but psychologically unable to earn a living. Among the wealthier classes they are supported by their parents or perhaps given a nominal job to keep up appearances. But those from poorer families have no such protection. They may become hoboes or chronic clients of social agencies. In many cases there is a long record of petty arrests—train riding, vagrancy, panhandling, drunken-

ness, loitering. Inevitably they involve themselves in some criminal activity. Prison itself is no deterrent, since it is another way of living without working. It is true that crime does not pay in the long run, but for those who lack a sense of continuity, who can think only of the moment, it is effective in supplying their immediate needs.

The Sex Offender

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IN this postwar era we are again brought face to face with a sociological problem, namely the resurgence of sex offenses. Crime waves following war are manifestations of the same unconscious attitudes that have been stimulated and mobilized for the purpose of warfare. The mass aggression that is called forth by the emergency needs of a nation at war can not be abruptly dissipated with the signing of a peace treaty. This we feel is readily understandable if we consider delinquent behavior in terms of dynamic psychology. Our present discussion will deal with the problem of the sex offender from a developmental point of view.

In his three contributions to the theory of sex, Freud presented us with basic formulations concerning sexuality. We learned that the sex drive is present from birth and goes through definite and clearly-defined stages of development between birth and puberty. In the course of this development the individual may encounter difficulties of various kinds and be compelled to undergo frustration and serious inhibition. Environmental factors prevalent in our society operate in such a way as to interfere with sexual development and the aberrations that are observable in adult life can be traced to the conflicts in this period of formation.

The aggressive instincts too must go through some changes and adjustments from the earliest rather primitive form to the more socially useful and acceptable modes of expression. When we are able to think of a given individual in these terms of developmental psychology we can better understand and recognize that there will be deviations in sexual and aggressive activity

and that they will be related to broader social phenomena.

If ultimately we are to deal more successfully with the problem of the sex offender it becomes necessary to modify our present day methodology. There is no question about it, even a small number of very aggressive sex psychopaths can create a serious problem in a community. A great deal of material supports this contention. We question however whether our present attempts to deal with this problem are in the first place valid, and secondly, will they produce practical solutions?

Until fairly recent times we approached the sex offender from a purely criminologic point of view and punished him in accordance with the nature of his crime. Currently we are taking cognizance of the fact that a mere legalistic approach to sex delinquency is insufficient and the psychiatrist among others has been called upon to help solve the problem.

While it is true that imprisoning an offender temporarily protects society from his aggression, it does not adequately act upon the problem itself. The term sex offender is a legal expression and merely indicates that the individual has been convicted of a sex crime. It does not follow that every sex offender is necessarily so abnormal in his basic behavior as to become a danger to society. It is furthermore true that normal sex activity under special circumstances may produce a sex offender *in accordance with the legal definition*.

Legislation designed to cope with the problem of the sex offender is directed primarily at those delinquents known as sexual psychopaths. The immediate difficulty we encounter is again in the definition of terms and establishment of criteria for differentiation. Paul W. Tappan in a recent article in the *Journal of Social Hygiene* deals with this phase of the problem. From a clinical point of view we are obliged to agree that these diagnostic impediments aggravate the approach to this issue.

While it is true that the so-called psychopath may be

a menace to society the basic question is, does the solution lie in focusing all our attention on the psychopath? It is my contention that the psychopath through his particularly individual behavior, characterized by his propensity to repeat a pattern of sexual aggression, provokes immediate and hostile reaction on the part of the public. The result is that our curative attempts become limited in their scope and merely direct themselves as a defense measure against the psychopath's behavior.

The fact that it is difficult to agree on what is to be included under the term sex psychopath should not prevent us from establishing adequate facilities for the treatment of those individuals suffering from sex aberration. It appears as if in our attempts to solve a problem that is primarily medical we proceed to become over cautious in our legalistic language. No one will deny that the individual's basic civil rights must be protected and for this reason it becomes imperative that our therapeutic approach to the sex offender requires some separation of treatment procedures from punitive measures.

If we are to achieve some positive results we may need to further modify our attitude toward the sexual criminal. Let us bear in mind that only a short time ago, historically speaking, mental illness was not included in the realm of medical practice. The psychotic person was denounced as bewitched and bedeviled and very often burned at the stake. Some of us may be incredulous now at such cruel treatment of the sick. It is nevertheless a fact that at this very moment there persists a strong bias concerning psychopathy in our midst. Many people continue to feel that this is a shameful and embarrassing calamity and in their choice between treatment or concealment decide on the latter course. I think it necessary to acknowledge the fact that the search for psychiatric treatment is not free from social stigma.

It may prove helpful therefore to attempt agreement upon methods of treatment applicable to the sex offender.

In dealing with psychotic individuals we have accepted a course which frequently runs counter to the wishes of the patient. We justify this on the basis of what is for the good of the individual as well as for the society in which he functions. It may become equally possible to establish a system in which treatment for a particular abnormalcy could be afforded without criminologic labeling. Just as in our handling of the mentally ill we are called upon to distinguish the ambulatory from the institutional patient we must proceed in the case of the sex deviate.

That there is urgent need for such measures is amply evidenced by our clinical experience. It is well to bear in mind that the clinical material as it unfolds discloses not the isolated aggressive act of a miscreant but quite frequently a somewhat more involved constellation. We do not as yet in our formulations place any responsibility upon the victimized. Insofar as our solutions will have to come as a result of further clinical studies it is important to be cognizant of the fact that the unconscious attitudes of the victims likewise need scrutiny and must be dealt with in an objective manner. Let us refer to clinical material and see how this contention is supported.

Case 1. A thirty-two year old man was convicted of sodomy as a result of homosexual activity with five boys, all of whom are friendly with one another. The defendant is of borderline intelligence with his social adjustment at a similar level. He was tried by a jury and after some testimony had been presented the defendant and his attorney decided to take a plea of guilty. He was examined in our psychiatric clinic and in accordance with the existing criteria diagnosed a sexual psychopath. It was the opinion of the court that the five boys should also be seen by the psychiatrist. Examination of these lads ranging in age from seven and one half to twelve corroborated our theories of sexuality originally described by Freud. Even the youngest of this group had

a great deal of sexual awareness and admitted that his gratification came from eating the ice cream and pies paid for by the defendant and not from the handling of the prisoner's genitals. Two of the older boys were more active sexually with the prisoner and admitted a great deal of delinquent behavior beyond this particular situation. This included homosexual and heterosexual activity at their own age level, stealing, and other acts. Our defendant, by reason of his constitutional limitations, was adjudged less aggressive a person than two or three of his youthful victims. In considering therapeutic measures for sex offenders it would be well to bear in mind that homosexuality represents a serious illness causing its sufferer to function at an infantile level, and the psychopathy that is coincidental to its manifestation may be secondary in importance.

To regard homosexuality in terms of the apprehended adult who by his conviction became a delinquent, appears to be part of our social attitude today. We remain unwilling to think of the activity of the five little boys as indicative of homosexuality in a less fixated form.

Case 2. A middle aged man was convicted of incest on complaint of his two daughters. He was of foreign extraction and of the so-called lower social and economic stratum. The plaintiffs were reared in this city and had a high school education. They were eighteen and twenty years old respectively. The defendant began to have intercourse with the older daughter when she was eighteen and repeated at regular intervals for two years. Seduction of the younger girl was of more recent date. He claimed to have been partially intoxicated on such occasions and denied any clear recollection of his behavior. The daughters on the other hand accused their father of vague threats directed at them if they divulged their incestuous relationship.

From a psychiatric point of view we classify this parent as a sexual psychopath. We did not examine the plaintiffs but feel that it would have been helpful were

it possible to modify the rules to permit a clinical evaluation of these adult women who participated in incestuous relations with their father.

Those who like to deal with statistics point to the greater incidence of sex delinquency in recent years. This does not necessarily prove that appearance of the so-called dangerous psychopath is increasing in geometric progression. In a court clinic we see many offenders whose sexual behavior is within normal bounds, but the circumstances under which they commit the act result in arrest and conviction. While this situation may reveal personality inadequacies it does not at the same time warrant a diagnosis of psychopathy.

Case 3. A middle aged married man with no previous record of crime and with a history of reasonably good adjustment pleaded to assault in the third degree following indictment for attempted rape. He was arrested under the following circumstances. At about ten p.m. he left his wife in the apartment and proceeded to a local liquor store to get a pint of wine. He encountered a woman much younger than himself who engaged him in conversation and offered to have sex relations with him for a specified sum of money. The defendant yielded and the two went to the entrance of a basement that afforded privacy. While in the act of intercourse they heard footsteps on the sidewalk and apparently the woman observed an approaching police officer. She cried for help and when the officer arrived at the basement entrance a few moments later the woman was shouting "help" and "rape." It was a case of complainant against defendant with circumstantial evidence supporting the plaintiff's position. The question that might be raised in a situation of this sort is: does a man reasonably well adjusted for many years become an impulsive rapist or are we rather dealing with a clever prostitute, who, faced with the danger of apprehension, creates circumstantial evidence with an outcry for help and an accusation of rape?

Such cases as these are neither unique nor particularly different from large numbers that may be observed in a court clinic. They were selected because they do illustrate some of the points with which this discussion concerns itself. It is not at all surprising to find that the attempts made thus far in dealing with this problem legislatively fall short of practical needs. The reasons as we see them are the following:

1. We focus the major attention on the sexual psychopath and then discover that we are unable to clearly define the concept itself.

2. Our actual experience of treatment results for this group is so limited and circumscribed as to make it difficult to draw valid conclusions.

3. If we attempt to use and apply what we already know from related material, namely the treatment of the neurotic, we discover that a therapeutic approach requires an expenditure of time and effort which is costly.

4. At best our present day techniques prohibit large scale application, such as is possible in other public health services. To be more specific, individual or group psychotherapy is regarded as the treatment method of choice in our problem, but we have to face the fact that even a well trained psychiatrist can treat only a relatively small number.

5. We make no provision for psychiatric examination of the plaintiffs and thorough evaluation of the stories with the result that the offender's behavior is frequently isolated from the overall circumstances in which it occurs.

6. In attempting to protect society by focussing attention upon the misdemeanor we tend to ignore available prophylactic measures. If we can agree, and I think we can, that sexual psychopathy is the end result of complications in the course of personality development, then it becomes necessary to expand our educational methods and deal more concretely with the problem of prevention. This will not limit itself to sexual psycho-

pathy but will inevitably be reflected in the control of abnormal aggression in general.

It is our belief that the problem of the sex offender does not begin at the time a sex crime has been committed, nor does it end when the culprit has been adjudicated in one or another manner. A sentence that implies or even specifies a treatment approach is not, in view of existing limitations, very different from the one that merely prescribes punishment. We find it necessary to insist that the mere examination of an offender, though useful and helpful, is nevertheless curatively unproductive.

Modification of our rules, attitudes and overall approach will, we believe, point the way towards a more realistic solution. This will not be easy nor will it develop rapidly. Nevertheless it is preferable to remain aware of limitations and deal with them rather than to ignore them and jump enthusiastically at unwarranted and scientifically unsound conclusions. It does not matter whether these be in the form of legislation, psychiatric reports or statistical arguments. It is psychologically more valid to accept our present day experiments in this field as a good beginning rather than as an adequate solution to the problem of the sex offender.

Psychological Techniques in Probation and Parole Work

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EACH of us, working in his own field and immersed in the solution of the difficult problems there, has little time or opportunity to keep in touch with the developments in allied or related disciplines. It is only when an exchange of ideas becomes possible that we are made aware of the potentialities of other methods commonplace perhaps to another discipline and yet with particular applicability to our own. A recent article discussed the fruitfulness of collaboration of psychiatric social workers in the training of clinical psychologists at one of the larger VA mental hospitals. The psychologists learned a great deal about the attitudes of the patients to psychological testing and the techniques helpful in establishing the best relationship between themselves and the patients. An incidental result was that the social workers and the psychologists gained a healthy respect for each other as people and as representatives of special disciplines. I shall discuss here some recent work in clinical psychology and its possible relevance to probation and parole work.

Probably the most outstanding technical advance in clinical psychology over the past ten years has been the development of the projective techniques or tests. In some contrast to an emphasis on cognitive factors in behavior in earlier psychological testing, the projective techniques have opened the field of personality evaluation testing, to a more dynamic and yet reliable assessment. Projective tests permit the individual to reveal himself, sometimes even beyond his own knowledge, by requiring him to organize a neutral field which in itself has no particular meaning. The subject, it can be said,

projects himself. Further, the more unstructured the situation, the more amorphous the subject's conception of the task, the greater likelihood that characteristic defenses and behavior will be demonstrated. The projective techniques derive their great utility from this ability to demonstrate the characteristic behavior of subjects, and to permit analysis of individual motivation and conflict. It has been possible to open a new area of personality description, an area which has in the past been most effectively dealt with through analysis of behavior during long range therapy.

The Thematic Apperception Test

Perhaps I can best illustrate by taking an example. In the Thematic Apperception Test (commonly called the T. A. T.), developed by Drs. Harry Murray and Christiana Morgan, we have a series of thirty pictures depicting people. The scenes involve single characters in repose, contemplation, or sorrow, or multiple characters of the same or opposite sex. Some of the scenes are ambiguous and allow characters to be designated either as men or women. The subject is asked to make up a story about each scene, to describe the feelings of the characters, to tell the conditions antecedent to the story, to outline the plot and the relationships between the characters, and to tell the outcome.

Here we have a relatively unstructured situation in which the subject through his story telling will probably demonstrate his attitudes, his fears, his conflicts, his characteristic interpersonal relationships, and many other aspects of his personality. If in the stories parents, and let us say fathers in particular, are always characterized by the subject as harsh, overbearing, demanding, autocratic, unconcerned about the feelings of others and especially of the children, we may have a clue to what our subject thinks of the man who has the relationship of father to him. We cannot say that the subject's

father is as described, because in some cases there may be no father, and the characterization may refer to a stepfather, an uncle, or a grandfather. The father may in fact be kindly and considerate. But we are certain that in the subject's relationship to one who plays the role of father, the attitudes expressed hold.

And we may also see in the stories how the subject describes the relationship of the children to this father. Do they oppose the father by outright negativism or aggression? Do they leave home and find a father substitute who is more kindly? Do they identify with others who are more powerful than the father and seek retribution against him for his harshness? The methods the subject attributes to his hero in dealing with the father are typical of the methods he himself may utilize in his relationships. These coping methods may give us clues to future as well as to past behavior. We may also learn much about what the subject thinks of himself. We can question him quite closely about the hero of any story—his aspirations and motivations—without raising suspicions and so threatening his ego needs.

Frequently certain themes dominate a set of stories. Despite the variety of the pictures presented the subject may find one type of story in all of them. They may all tell about a mother who deserts a child, only to have the child overcome all handicaps and return to her and comfort his now old but somewhat more understanding mother. The pervasiveness of such a theme, running through all the pictures and in part ignoring the possibilities of variety in stories, commends itself to us as depicting a situation of overwhelming importance to the subject.

In clinical practice we have been impressed frequently by the validity of the T.A.T. stories in pointing out certain relationships that do not appear in the initial clinical studies. Thus the T.A.T. may point to deep seated hostility toward the father and give little information about attitudes toward the mother. The initial

clinical complaints may have included much hostility in her direction. Frequently as therapy continues the initial complaints about the mother disappear and the unspoken hostility to the father emerges. We may find then, in our analysis of the T.A.T., a number of deep seated problems of which the subject is unaware and that may give us considerable insight into his motivation. Careful evaluation of T.A.T. stories frequently gives us a quicker understanding of personality and motivations than can be derived through other methods. But we find subjects suspicious of the material, verbally inhibited, relatively inarticulate or for other reasons uncooperative; many of the insights we may have gained are thus closed to us. For such situations we must turn to other techniques.

The Rorschach Technique

Probably the best known of the projective techniques is the Rorschach ink blots. Developed by Dr. Herman Rorschach some thirty years ago, this collection of ten ink blots on cards and the methods of analysing reactions to them have virtually revolutionized diagnostic clinical psychology. In this very unstructured task the subject is shown the series of blots and asked to tell of what the blots remind him. Responses to this request are as individual and different as each person is different. Many methods of analysis are used, but essentially, two major ones may be delineated. The first may be described as the scoring and interpretation of the formal relationships of the responses; the second the analysis of the content and its symbolism.

In considering the formal relationships between responses within the Rorschach we may think of the demands made upon the subject as placing him in a challenging situation, one in which he takes amorphous material and organizes, constructs, selects, and delineates in a manner that is characteristic for him. His specific

way of tackling the problem, and his individual method of solution can be recognized by a number of characteristics of the response. For example one subject looking at a blot may find "two Santa Clauses are playing ring round the rosy about a little Christmas tree. Their packs are flying about their shoulders, and the whole scene is one of merriment and gaiety." Another subject looking at the same blot finds "a cross section of the pelvis with the bones rotted and moldy." What differences may there be between these two subjects?

Let us first characterize the formal aspects of the responses. The first subject uses the whole blot; he finds parts of the blot that can be clearly delineated; he synthesizes the parts into a whole response, giving each of them a relevant role in the whole construction. We may generalize from this if we find this behavior repeated in other cards, that the subject in facing his life problems tends to organize their various aspects, putting them together in a meaningful way, and by the use of creative imagination to synthesize the whole into a vibrant concept.

We also note that our subject has granted considerable motion to the blot and has enlivened the concept by an energetic display of playful and pleasant activity. But such activity is not in the blot. It rather seems to come from an exuberance of creativity that belongs to our subject. He has so much potential for putting himself into situations, he has so many creative resources, that he quite easily and simply works these into even as prosaic a task as describing his reactions to an inkblot.

If this imaginative creation were in no way related to any recognizable aspect of the blot itself we should be worried about our subject's ability to deal with reality. Creativity without anchors in reality would suggest a pathological process, but since this concept is indeed quite appropriate to the blot area, and is relatively unusual, we should probably consider our subject capable of original thinking in dealing with his problems.

These attitudes to responses have been formally organized and considerable quantification becomes possible. The formal aspects of scoring involve such considerations as the areas selected for responses, the orderliness of the selection of areas, the accuracy of perceptions, the sensitivity to the qualities of the blots, the amount and kind of enlivening, and the originality and variety of associations. However, the very complexity and number of variables usually require considerable training and experience before the most meaningful interpretations can be made. Indeed for all work with projective techniques it is necessary that the interpreter be well trained in psychology, personality theory, and psychopathology.

Another method supplements the formal methods. This involves an appreciation of the symbols used in the content of the responses to the blots. In our second example we described a response in which a blot was seen as "a cross section of the pelvis with the bones rotted and moldy." This is surely an unusual response. But we must be cautious in generalizing and rather circumspect in our interpretation of symbols, since it has become clear that symbols do not have universal application. Still, some speculation may be in order, speculation which may be verified through other means. "A cross section of a pelvis" suggests to us an area of the body that has reference to bodily, sexual, and eliminative functions. It may well be then, if we have an unusual response involving such an area, that these latter aspects of behavior are of particular concern to this subject. He is thinking along such lines at least, and we may also suspect deeper significance for him. Looking further, we note the descriptive adjectives "rotted and moldy." If we are on the right track we have a particularly strong description in negative terms of the general area. We are then going to be on the lookout for any further indications of specific difficulty in the sexual and eliminative areas, and we can further suggest that the

subject may have rather strong attitudes in opposition to and in association with sexual and eliminative functions.

There are ten cards. We have an opportunity to see the subject's preoccupations color each response, and we may see certain attitudes outlined as when human figures are denoted. For example, we may find descriptions of men as disfigured, while women are clearly and pleasantly depicted. Any consistency of this sort helps us gain insight into attitudes toward men and women which may have relevance to the motivations and behavior of our subject.

The Rorschach though is primarily an instrument for seeing the method of coping with and defending one's self against life's problems. Unlike the T.A.T., it cannot tell us who the characters in the life drama are, but it rather shows us how our subject will react to a variety of life situations and problems. We learn the form or pattern of reaction, not about the people who determine or have determined the reactions.

Other Projective Techniques

There are a great variety of projective techniques. Many are quite ingenious and have clinical utility in the hands of skilled workers. Dr. Saul Rosenzweig has developed a test to indicate how aggression is handled. He has a simple set of cartoon drawings in which usually someone or something in the picture has caused an unpleasant situation for a second person. Our subject is required to write the remarks this second person would make in response. For example, in one picture we see a man whose clothes have been spattered with mud by a passing car. The mud-covered man is to answer an apology made by the driver. Does he say, "It's OK, Bud. It couldn't be helped," or "I'm sorry. I should have been standing back from the curb." Or does he say,

"Where the hell do you think you're going? Why don't you watch out?"

Dr. Rosenzweig has pointed out that some people express their aggression against others or try to avoid recognizing that there is need for aggression at all. We all use a mixture of these three methods of dealing with aggression, but it is possible with this test to see the prevailing tone of the aggressive outlet.

One of the most recent as well as one of the oldest types of projective technique is that involving drawing. Karen Machover at Kings County Hospital in Brooklyn has recently reported on the task of drawing a man and a woman as a diagnostic device. John Buck in Virginia has reported on a similar problem involving the drawing of a house, tree and person. These techniques involve both formal scoring and interpretation of symbols, and can be used with considerable effectiveness by trained workers for gaining insight into the self picture and the interpersonal relationships of the subject.

Most of the techniques described have particular applicability to adults, but the T.A.T. has been modified for adolescents by Dr. Percival Symonds of Columbia. The Rorschach has been used with children as young as three and four. Dr. Rosenzweig has a children's form for his picture-frustration test; and drawings and finger painting have had time-honored use in the study and treatment of children.

Application to Probation and Parole Work

The challenge of the projective techniques has stimulated psychologists and psychiatrists not only to the production of many new devices, but to their use in fields other than psychopathology. Projective techniques have been used in vocational guidance, in officer selection during the war, in the selection of professional trainees, in executive selection, in studies of comparative culture and in many diverse fields.

Their application to parole and probation seems to offer particular promise. In probation and parole work we find three distinct functions: the investigation or collection of all data necessary to understand the problem; the development of a probation or parole plan; and the continued supervision of the probationer or parolee until such time as he is able to manage his own affairs with competence. I should like to review some ways in which projective techniques may be of assistance in each of these phases of the work.

In the investigation phase, current practice seems to be oriented toward the collection of such information as would be helpful in understanding the nature of the legal difficulties, the home and community relationships, the abilities and liabilities of the probationer or parolee, and insofar as possible such attitudes and motivations as can be elicited or deduced from contacts with him and others. It is a difficult job to get an objective evaluation of varied and frequently tenuous relationships and attitudes. It becomes especially so in view of the possible legal or punitive implications of the investigation which may well distort the data that are collected.

In this investigative stage projective techniques may be of help. While a great deal of information can be derived from such tests, it should be remembered that suspicion and possibly hostility which would tend to distort the data may be directed against the psychologist. But it has been experimentally demonstrated that even deliberate attempts at faking the Rorschach have been unsuccessful. What seems to happen in the projective techniques when the subject tries to fake or distort the material is a modification of detail but not of the essential elements.

Through the T.A.T. and the Rorschach we may perceive the attitudes of our subject in relation to himself and to his world. We may well find the particular motivation for the crime, and we can frequently find resources for future growth and development. Let me illustrate.

We recently had a fifteen year old obese boy of more than 250 pounds referred to us for study after he had committed a series of thefts. In addition to his stealing he had begun to have certain scholastic, social and family difficulties though previously he got along quite well in school and at home. He is fourth of five siblings; his older brothers have married, leaving him as the only boy with two sisters. The father is a steady worker and the family is well regarded in their small town.

The present difficulty is traced back by the father to a disagreement between the boy and a woman teacher with whom he had got along quite well previously. She had refused him permission to go to the toilet and he had defied her. From that time on he had been restless and irritable, had fussed with his sisters, stayed away from home, forgotten the purpose of errands, and quit a part time job he had held for some time. One day he walked into a service station and in front of the proprietor opened the cash register, took \$20 and walked out. The boy says he took the money when no one was around. The father repaid it.

After this incident the boy's time and activity were closely regulated. While out with his father during this period of close control he ran away. He was finally returned home by the police after two weeks. Shortly afterwards he again walked into a service station where not only the proprietor but even a number of onlookers were present. He took \$36, which he stopped to arrange according to denomination, put it into his pocket, and walked out. Again the boy says no one was there. He explains his crime as arising from an irresistible impulse. With somewhat more difficulty the father again arranged for his release. Then a few weeks later he broke into a neighbor's house, had a sandwich, drank a coke, opened a piggy bank, took about \$40, arranged the coins by denomination, tying them separately in a pillowcase, returned the pennies to the bank, sat down, read, and

dozed off for three hours. When he was taken to jail this time he was referred for special study.

From the psychological examination it was readily determined that the boy was of bright average intelligence with an IQ of about 115. His T.A.T. was very interesting. In almost every one of his twenty stories someone was killed. And despite the varied stimulus material a central theme seemed to be that a man was rejected by a woman. There was another twist in about half the stories—an elaboration in which the man was rejected by the woman in favor of another man. A secondary theme seemed to be that the father disappointed the boy and the boy regretted that his father died. A third theme involved wish fulfillment and fantasy achievement in which the boy overcame handicaps to win out, but there was also the subsidiary feeling in comparable stories in which the boy failed. A final noteworthy theme was that in which the punishing mother saw her son dead and was very sorry.

Weaving these themes together we can recognize a hostile boy with strong attachment to his mother, a boy who feels rejected, is particularly hostile to the father who disappoints him, and deals with many of his problems by withdrawal into fantasy in which he either achieves something or makes others sorry for what they have done to him. In all his stories the wicked get punished, and frequently the virtuous as well. Punishment is not only inevitable, but may well have additional meaning for this boy.

About the most important person in his stories is the older woman. This is interesting since all our original case data concerned the father, who was the major informant as well as the person contended against in the running away episode. The conflict with the father was socially overt; the need for and attachment to the mother as brought out in the T.A.T. seemed covert in his behavior.

The Rorschach emphasizes the impression that this

boy very much wants love, but we see that he has great difficulty in expressing his feelings for others. He is very much bottled up, with lots of control exercised over the expression of his affection. He seems reasonably well controlled in his interpersonal relationships, is efficient and practical, and in general shows excellent potential for being a good citizen.

How then can we account for his brief "criminal career?" From our psychological data we can see a boy with a great need for love and affection from the mother and ambivalent feelings toward the father with overt expression of aggression against him. His frustrated longings and his intense hostility have precipitated tensions which he acts out in part by social deeds predicated to call attention to himself and to lead to greater interest from the parents. That he looks for no other gains from his crimes seems apparent from the fact that in no case did he use the money to gain any material thing for himself.

From the probation investigation we recognize many resources in this boy's background. The home seems quite stable. The parents are hardworking and respected. Other members of the family have been readily accepted in the community and have done well. There is no history of social pathology. Our boy himself had a good record in school until his disagreement with his teacher. He has above average intellectual ability and appears to have excellent resources for social adjustment in a ready contact with and acceptance by people. Outside of his obesity he has no physical handicaps, and his electroencephalogram and other studies were negative. In this case at least, the projective tests enable us to assess the nature of the difficulty, they reassure us on points with which we do not have to concern ourselves, and enable us to focus on the exact problem when it is time to work out a probation plan. Punitive restrictions would only reinforce his frustrations and bring out his hostility. Such continued pressure on him would soon lead him into

further difficulties with the law. What he appears to need is the working out of his relationships with his family.

Projective Techniques in Developing Plans

In investigating community and family resources for the development of placement plans, we keep in mind not only the emotional needs of the subject but also the impact of his characteristic adjustment patterns upon the prospective employer or foster parents. If our subject becomes easily excited or if he tends to become overactive under pressure we can anticipate difficulties if he is placed with people whose reactions to such behavior involve their own security. Our placements cannot insure a Utopian freedom from stress and conflict for our probationers and parolees. If it were possible it would not necessarily be desirable. People learn when there is some reason to learn. We have found that techniques of adjustment are developed when needs that are interfered with are satisfactorily met with their own emotional and intellectual resources.

Planning then becomes a matter of reducing the stress on our subjects to a reasonable limit within the range of our knowledge of the situation, and without exposing the Achilles heel of our subjects to especial threat. They can frequently stand considerable deprivation and threat, but there are some areas within which they are particularly vulnerable. What these areas are can frequently be exposed through the projective tests. A rejected lad may want and need a warm environment. An uncertain one may want an authoritarian regime. These needs may frequently be worked out in planning.

We recently saw a boy of sixteen whose father had died when he was five. He had been brought up in a home with three women, two older sisters and a working mother. His sisters had married and he had been left pretty much on his own. He mixed little with other

boys, apparently preferring to read. He worked at the usual tasks, delivered papers, ran errands and so on. He stole and was subsequently held at a special boys' detention home until we saw him.

This lad wanted to stay where he was. He had no interest in going home at all. As we studied his psychological picture we saw the deep need he had to identify himself with a strong male figure. His rebellion against the mother had something more than typical intensity, but in his relationships with older men in his T.A.T. stories he showed strong needs for acceptance by them and a very positive type of reaction to such acceptance. We could understand his desire to remain in the boys' home as it provided the male acceptance he longed for. In the probation plan for this boy a strong male should be included with whom he can identify, and with whom he can learn to so express his aggression as to develop better interpersonal relationships. The probation officer, a big brother, or some other person playing this role could well fill this need.

Planning then involves the understanding of the needs and resources of the subject, and the appreciation of how social and community resources will either enhance or interfere with adjustment. Insight into motivation, dependent needs, and aggressive outlets can help us make plans that may at least reduce tensions and permit our subjects to deal more effectively with their emotional problems.

Projective Techniques as Applied to Probation and Parole Supervision

It is difficult to avoid bias in evaluation of progress of the probationer or parolee. The overtly compliant subject who seems to do as he is told may actually be in greater difficulty than the rebellious violator. It takes considerable experience to judge accurately the progress of the subject. The projective techniques may be of value

here. Used to spot-check progress at crucial points in the supervisory process, they may be helpful in charting developments. Is there greater self reliance? Is there an easier acceptance of authority? Are there new areas of tension? The projective tests serve as a relatively objective check on the impressions of the supervisor. If new tensions are noted plans may be modified; if progress is being made according to plan, a reduction of supervisory activity may be in order.

These tools are useful primarily for diagnosis and research. Their direct application to supervision lies in the insights they provide into the forces at play in the adjustment process. But the research potential may be of considerable value too. The major effort in research in the field has been directed toward prediction of parole success. Predictive criteria such as those of the Gluecks have been found quite useful, but probably can be sharpened in their effectiveness as has been pointed out recently. The projective techniques, by making certain personality variables accessible for inclusion in the existing prediction tables, may increase the accuracy of the tables and hence the reliability of prediction.

This is probably not the place to review the research potentials of the projective techniques for probation and parole, but it would seem appropriate to list a few possibilities. The projective method can be used to study the efficiency of different types or intensities of supervision and the circumstances under which positive changes in attitudes are facilitated; to chart aggressive attitudes and the methods of dealing with aggression in various types of offenders; to study the subject's handling of aggression from the viewpoint of the supervisor's attempts to deal with him; to study the relationship to authority figures and the subject's handling of his attitude toward authority. These techniques may be applicable to many other problems.

VII PROBATION AND PAROLE ABROAD

Parole Goes to Germany

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UNTIL recently there was on the statute books of Germany what was termed the "Gypsy law." Under this law a person suspected of a crime could be thrown into jail, to languish without trial for an indefinite period, sometimes for as long as a year. The granting of bail to an offender was not an accepted procedure by the German courts until the Americans insisted upon this democratic right. World War II and the American occupation have changed these laws along with other criminal procedures that for generations were common not only in Germany but in other countries of the old world. These contrasts I observed on my mission to occupied Germany.

My orders were to consult with American and German penologists and to observe the rehabilitation program for offenders established in the U. S. zone (comprising Bavaria, Wuerttemberg-Baden, Hesse, Bremen, and the American sector of Berlin) by the prison branch of the legal division, Office of the Military Government of the United States. I visited twelve prisons, attended classification meetings at institutions, German parole hearings, German and military government parole board meetings. I took part in several conferences of wardens and police, gave six lectures on parole, and participated in a number of group discussions. Three lectures were given before general public audiences held at the Amerikahaeuser, with an average attendance of thirty-five. While visiting institutions, I came in contact with wardens and many institution staff members.

Pre-war German Penology

We in America think in terms of treatment and rehabilitation of the offender, while the Germans have been apt to put the emphasis on punishment. This is consistent with the general European attitude towards the offender, reflected also in the Napoleonic Code which presumes guilt until innocence is proven. It also accounts for many laws on the statute books in Germany that tend to deprive individuals of what we consider inalienable rights.

In America we base our procedures on laws while in Germany much power seems to be given to law enforcement officials and judges. With further reference to the old Gypsy law a person can be put in jail on suspicion, for denouncing or for slander. While such cases must be brought before the judge within twenty-four hours, investigators or police can easily secure postponement of trial time after time because "more time is needed to complete the investigation."

In a case like the following bail was frowned upon: A young girl charged a man with being the father of her child. The accused, in his defense, cited another man who admitted relations with her. After testifying the witness accused the girl of slandering the defendant. The girl was refused bail for fear she would tamper with the witness! This is called *verdunkelungsgefahr*, blackout, the danger of putting evidence in darkness.

We think of a man's house as his castle in England and in America, but this concept did not prevail in Germany where the German home was stripped of its sanctity by the law that permitted a policeman to enter a home at any time without a search warrant! If the policeman didn't find what he was after but found something else incriminating, the owner could be placed under arrest. When the American authorities insisted that this practice must cease the police protested violently, pointing out that without such authority they would be

unable to solve most of the crimes committed. A German was given a box of cigars by an American. The recipient happened to be in wrong with one of the custom officials who heard about the gift and sent the police to search the house; the cigars were found, the owner had to pay the prescribed custom duty or forfeit them.

However, even if these laws denied the German citizen some of the rights given the Englishman as far back as the Magna Charta, one must respect the administrators of these laws. In Germany it is not possible to appoint a young inexperienced lawyer to even a minor judgeship as sometimes happens in America. A Doctor of Law is respected and quite rightly so; he must pass rigid civil service examinations and before he becomes a prosecutor or a judge he must come up through the ranks on merit. It has been the custom for the Ministry of Justice to appoint lawyers as wardens of penal and correctional institutions; I met one institutional parole officer who was a lawyer.

Parole Introduced into Germany

The efforts of the American authorities to introduce parole into Germany are possibly without parallel in the history of nations. Representatives of a victorious nation, occupying part of a conquered country, are trying to implant, not with force but with education and acquiescence, accepted principles of American penology. Acting in accordance with the principle that the imposition of a program without the consent of the governed probably would not endure, the American authorities adopted a democratic approach that was both psychologically sound and educationally constructive.

Military courts (with American civilian judges and prosecutors functioning under civilian code) were immediately set up to try through due process of law, violation of U. S. ordinances by the civilian population.

This article deals only with those individuals who violated American ordinances and were dealt with by the prison branch of the legal division. The regularly constituted German courts carried on as before.

As time went on and the possibilities of revolt seemed to diminish, the authorities began to feel that the long sentences initially imposed should be reviewed to lessen the inequalities for like offenses under like circumstances. Overcrowding in German prisons was a contributing factor.

In May 1946 plans were instituted for a clemency board for the U. S. zone to consider those prisoners sentenced by U. S. military courts who were committed to German prisons and were serving sentences of one year or more. On October 1, 1946 the board was established by OMGUS. Its three members had final authority to grant clemency, which amounted to commutation of sentence to deserving prisoners. Exceptions were those given death sentences and prisoners confined in certain sectors.

After nearly two years of operation it was felt that the original purpose had been achieved. Furthermore, with the spread of democratic methods as a major objective, the time had come to adopt a broader plan of action based on American concepts of rehabilitation. In July 1948 OMGUS commenced provisions for parole, commutation of sentence and pardon for military government court prisoners in German custody in the four states. After the German authorities had become familiar with these modern concepts, it was expected that they would adopt these procedures for all Germans sentenced by German courts. A directive dated July 15, 1948 was issued for the eventual transfer of clemency responsibilities to the German authorities. This resulted in the holding of the first German-American Parole Conference, in Nuernberg, Bavaria, on August 10-11, 1948.

The conference opened with an explanation of the basic principles of a rehabilitation program, followed by

discussion of the two conference objectives—ultimate transfer of clemency responsibilities to the German authorities, and the setting up of adequate procedures, with as much specific data as possible, to process clemency applications.

The three types of clemency were described as follows: 1) parole, which is an extension of supervision into the community, subsequent to incarceration; 2) commutation of sentence, shortening it with or without conditions attached; 3) pardon, an executive act of grace which sets aside the conviction and confers complete forgiveness upon the offender.

As a result of this conference OMGUS issued a standard operating procedure with instructions regarding the general program and definite regulations for the operation of the military government and the German parole boards. By the latter part of 1948 some German parole boards had begun to function. The backlog of cases was high because extreme caution was the order of the day. The industry displayed marked the beginning of the adoption of a new concept of dealing with offenders by the Germans. A second parole conference was held at Nuernberg, February 15-16, 1949, at which time both German and American laender directors described in detail their local situations in setting up the rehabilitation program. When on September 15, 1949, the Allied Powers turned over to the German government certain administrative powers, the prisons branch was allowed to retain control over prisoners sentenced by military courts. It still has control but operates under the general counsel of the office of the High Commissioner which is responsible to the Department of State.

German Prisons

The German concept of dealing with offenders is reflected in the construction of their penal and correctional institutions as well as in the way they conduct them.

One must anticipate a rather solitary existence if committed to prison in Germany. Many prisoners eat in a cell, sleep in a cell, and work in a cell and incidentally must pay a mark a day for their keep. (This varies in different areas, provision for collecting or trying to collect also varies.)

Many old edifices such as abandoned monasteries and fortresses have been utilized for the housing of prisoners but even the so-called modern prisons lack modern equipment. Central congregate eating facilities were not seen except those improvised at the suggestion of the American authorities. A reformatory for females which I saw had twenty-one dormitories each containing six to twenty beds. Inmates slept on crude wooden beds with coarse covers over straw mattresses. Each room in the institution had a wood burning stove. There was no central heating in any of the German institutions visited. In spite of the lack of modern construction and equipment all institutions are kept exceptionally clean. All have libraries and book-binding shops in order to keep the well-circulated books in usable condition.

While certain trades were taught, the authorities allowed outside industries to transplant their machinery into the prison to be used by prisoners who were paid much lower wages than they would get on the outside, the administrators profiting handsomely thereby.

Apparently leisure hour programs except for juveniles have not held a conspicuous place on the agenda of the German prison authorities. Prisoners are locked up soon after supper and no provision is made for evening classes of any kind or recreational programs. I do not believe there was any physical cruelty toward prisoners, nor did they experience real discomfort or seem noticeably discontented. Strolling on a stone-paved walk laid out in serpentine fashion in the prison courtyard constitutes the principal exercise. Every day for an hour or so, in pairs, fifteen feet apart, they follow the monotonous curves.

A couple may converse with each other but not with the pair in front or behind.

I interviewed twenty-four Jewish prisoners, sentenced by military courts, who had been transferred to one prison where they were completely segregated from the other inmates. They slept in a cell block, ate together and worked together. This procedure was evidently prescribed in the beginning to prevent race riots, but at the time of my visit other prisoners might have thought that the Jews were being given special consideration. They were in a shady spot in the prison yard, seated around a long table occupying themselves cleaning or fashioning handmade objects. Only two were Germans, the others from different countries. One had served time in the federal penitentiary at Lewisburg, Pennsylvania and asked me to send his regards to a couple of guards!

Classification

Classification meetings where members of the institution staff could meet, discuss and evaluate an inmate's adjustment were not a part of procedure in German prisons, but were introduced by OMGUS prison branch about two years ago. Much credit can be given these committees on the effective way they conducted their deliberations. They represented divisions or details, set up within the institutions, of wardens, physicians, chaplains (sometimes both Protestant and Catholic), teachers (academic and vocational), institution parole officers, chief guards, cell block or quarantine officers.

Prior to an inmate's appearance his case was described by the warden who is the committee chairman. The crime committed was explained, the social background and personality makeup of the prisoner described; his conduct, work record, and relationships with his fellow prisoners and institutional personnel were given special consideration. Comments from the committee, elicited

and given freely without prejudice, showed interest and understanding.

The inmate was escorted in, and the warden invited him to tell his story, giving his version of his commitment and voicing any other matters he had in mind. His progress was discussed with comments from those present and a decision was reached as to whether he should be given a change in program. The prisoner's wishes were always considered but not always granted. He was dismissed with fuller knowledge of his situation. On occasion the committees discussed the desirability of a transfer to another institution, giving reasons.

I was scheduled to attend a classification meeting at a reformatory for women and girls in upper Bavaria and I found myself in the presence of a petite, energetic, German woman who was the warden. Her office was well equipped in a rambling old edifice surrounded by high walls along the inside of which was the ever present vegetable and flower garden which characterized all prisons I visited. Hardly a square foot of tillable soil is not under cultivation in Germany.

"What a pleasure to see you," she remarked, extending her hands in the proverbial German fashion. I hardly had time to say that the pleasure was mutual before she remarked, "Our capacity is 600; we only have 500. I want that the prison should be filled at all times and I am strongly in favor of long termers because they adjust better!" (It may have been that this warden was just trying to explain her enthusiasm for her work.)

A twenty-seven year old woman, sentenced to fifteen years, originally married to a regular German army doctor but later divorced, was brought up for reclassification. She had shot and killed on American property the wife of her boy friend (by whom she had had a child that died). She was exceptionally intelligent and talented especially in any kind of embroidery work. She claimed innocence of the crime for which she was sentenced to three years, and had served the required one-

third before being eligible for parole. She didn't think she could carry on for the remaining two years, but was encouraged to do so. The warden promised to look further into her case with reference to the legality of the sentence and reminded her that her assignment was to be changed because of misconduct. She was given new duties in another field of vocational training and was encouraged to make the best of it.

A striking example of the type of young criminal no doubt found in every country came up for classification after spending a month or so in a male reformatory. He was a handsome well built twenty-one year old German of high intelligence who boldly stated that he had started out to make his living by his wits. He formerly got his meals without a ration card—which was no cinch in Germany—and boasted that he was a free thinker. His parents, whose moral life was low, were separated when he was a child. He said simply, "I needed money for my wife and myself and I didn't care how I got it."

Skilled as a surveyor and with a knowledge of several mechanical trades, he resorted to thieving when in want. Prior to his commitment for theft of post rationing cards he and his accomplices decided to rob a church. The poor box was emptied and other objects taken; he suggested the theft of the sacred vessels but his comrades balked at this and refused to help. His only regret was that when he cut them up he found them to be plated and not made of solid metals. The classification committee postponed decision on transfer to a prison for more sophisticated criminals.

I was impressed by the careful thought and consideration given these cases. The decisions were made in conformity with our ideas of individual treatment. The Germans previously had a system of release prior to expiration of sentence, chiefly on the basis of time served and good conduct. Their preparation for release did not provide for a complete analysis of physical, mental and personality makeup by psychologists, psychiatrists and

social workers, followed by periodic reviews of adjustment prior to consideration for release. No provision was made except in the case of juveniles for the careful supervision of released inmates which is the most essential part of a good parole system. It is true a prisoner had to report to a chief of police on occasion but otherwise he was free to do as he chose. There were no rules to violate.

German distrust of a released prisoner is illustrated by what they describe as the "interrupted sentence." Let us suppose an offender was committed for three years and released after two years. He could be returned if he got into trouble at any time prior to the expiration of five additional years.

German and American Parole Boards and Hearings

A German parole board was appointed by the Ministry of Justice in each land or state. The three members were a lawyer, usually the chairman, a physician or psychologist, and a welfare worker or some other type of professional man. Each board had responsibility to recommend release of all inmates committed to German institutions by American military courts after they had served a third of their sentences. The regulations provided that the chairman interview every eligible inmate, evaluate the case, and submit his findings at the next meeting of the board. Interviews were conducted on a question and answer basis, and were uniformly good. Consideration was given to the prisoner's background, both criminal and social, his institutional adjustment and his parole plans. Patience and interest were shown, with a keen desire to understand and evaluate each case individually.

The board then passed each case to the military government boards for final decision. Thus the American board controls release and at the same time educates the German boards as to American principles of evaluation.

The military government boards consist of the chairman who is always chief prison officer in charge of the American land headquarters office, and two others, usually representatives of the legal division of OMGUS. A majority decision is necessary for both boards.

An attractive, nineteen year old Hungarian Gypsy, vivacious and temperamental, a dancer by profession, came up for parole consideration. She had been sentenced for a few months because of a venereal condition. But there was some skullduggery between two soldiers apropos of her commitment. A certain M.P. who wanted to "make her" saw her soldier boy friend give her a dollar to buy food. Dollars weren't legal tender in the U. S. Zone. She related with tearful eyes how she was taken to a concentration camp for Jews and Gypsies as a child, accompanied by her parents. She claims she was treated fairly well, probably because she was so young, but due to the treatment given her parents she "lost all faith in God and man." On her left arm she bore her camp number, burnt in with a hot iron and then treated with indelible ink. Parole was recommended by the institutional authorities when she was in good physical condition.

A twenty-one year old, single, heavily built Bavarian peasant woman, not overly bright, appeared for a hearing. She had been persuaded by a girl friend, she said, to take \$240 from a U. S. soldier in addition to his watch and papers while he was intoxicated. She sold the American currency for 200 marks although she could have obtained as much as 2400 marks had she known its value and how to go about the transaction. Sentenced to two years, she had served about a third of her time. She was denied parole because she was not considered a good risk.

It can be easily understood that the possession of weapons of any kind was considered a serious offense in occupied Germany. The following case involved the possession of firearms which was verboten:

"I had obtained the pistol from my comrade Heinz for the purpose of sale. I then went to a dancing entertainment and took the pistol with me because I intended to sell it there. It was not loaded. While I was in the dancing room three American soldiers and a German policeman came and arrested me." Thus spoke a well built German prisoner of twenty-one years when he appeared for a hearing before the German board. He was sentenced to eighteen months. He was single; his parents had been killed in an air raid; his only relative was a feeble seventy year old grandfather. The prisoner had spent eight years in primary school with good marks. By occupation he was a milker.

The prison parole officer's report stated: "When he was brought to the prison he gave evidence of a boastful and arrogant character but in the course of the past year he matured and became more judicious. He is open and sociable, his behavior sometimes strong. No symptoms for a criminal predisposition." He was granted parole but stole a watch before release so parole was finally denied.

Supervision

The Germans had no trained parole officers. Ways of obtaining supervising agents were left to each land parole board because of the conditions and type of agencies in each land. Hence supervision of parolees varies considerably. The German authorities called up welfare bureaus, religious organizations, and employment offices. They sought interested citizens as sponsors which they were required to have prior to release. Some public or private agency must agree to provide assistance in supervision according to regulations. A job or a promise of one is also a requisite. This is particularly difficult in war-torn Germany.

To facilitate parole, the labor offices gave work preference to those eligible. When this ruling became known the average citizen without a criminal record protested

that a premium was being placed on crime. When prisoners who were displaced persons or refugees were also given this preference, the indignation was even greater.

I have been frequently asked, "Were the German offenders different from those in the United States?" I found the German prisoners much the same as they are everywhere: defective delinquents, psychopaths, hardened criminals, first offenders, occasional offenders, etc. The female offenders are the counterpart of females in American reformatories and they are committed for similar offenses.

While parole was in effect less than a year at the time of my visit, comparatively few parolees have been returned as technical violators, or have committed a new crime. It was too soon to evaluate parole violations and time was insufficient to observe the quality of supervision. After the basic machinery had been established for an exceptionally good parole system, under difficulties which at times must have been almost insurmountable, the need for a public relations program became apparent and it is now under way.

I was singularly impressed by the strenuous efforts and unusual accomplishments of Sidney H. Souter, director, and Edgar E. Gerlach, assistant director of the prison branch, in setting up the procedures which implemented the American concept of parole. The Germans accepted this new philosophy and with characteristic German thoroughness set about their work with good will and a desire to accomplish constructive results, though it seemed at first that they had little but ashes and rubble to build on. It is to be hoped that the American authorities will allow the parole program to develop and that eventually when peace with Germany has actually been signed, the German authorities will adopt it for all persons sentenced by German courts. Something new is brewing in Germany and this particular ferment is of the socially acceptable kind from the American point of view.

Probation and Parole in Israel

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IN October 1949 the board of judges of the County Court of Kings County at Brooklyn received a request from the Ministry of Justice of the infant state of Israel to send a member of its staff to Israel in the guise of a "probation expert," for the purpose of "assisting the Ministry in reorganizing and modernizing the probation service of the country and to act as consultant and advisor in legislative and procedural reforms." The background of the invitation lay in the interest of Judge Samuel S. Leibowitz in various phases of the Zionist movement. Visiting Israel during the summer of 1949, he took a busman's holiday through the courts, institutions and jails. He did not exactly like what he saw and told officials there that what their penal system needed was someone from America to come over and help them introduce a probation service for adults.

Things happened very rapidly after the invitation came. I had less than a week to prepare for the assignment. There was no opportunity to brush up on history, nor even to re-read the Old Testament, much less to get up to date on the momentous developments of the past forty years in Palestine. Worse still, there was no time to assemble even the most rudimentary set of reference authorities on correctional social work. I had only time to browse for a few hours in the NPPA library and I was fortunate to come up with at least a few of their surveys of probation and parole in various states. These were of considerable help.

I would much prefer in this paper to recount the unofficial or extracurricular experiences that came my way during eight memorable weeks, as for instance, the visits to the holy and historical places where all or almost all

of the major religions of the world were born; the insights into the social, political and economic potential of the infant nation; the warm hospitality of the people; the first-hand observation of the tremendous effort that is being made to fashion a new polity and to create a social synthesis out of half a hundred disparate cultures. It is a dramatic and most moving experience to see a civilization unfold literally before one's eyes.

I had the good fortune to have assigned to me as interpreter, mentor and guide, a young man named David Reifen. Mr. Reifen is a social worker and one of the finest ornaments of the profession that I have known, in Israel or any other country. His training and experience, his mature mind, his deep feeling for the problems of underprivileged humanity, his detailed and inclusive knowledge of the social work needs and social work resources of Israel made the assignment almost a sinecure. In addition, his ability as a guide and his familiarity with the history and geography, the Biblical traditions and the folklore of the Holy Land made my sojourn pleasant indeed. We must have covered every foot of the hallowed territory all the way from the Gulf of Akaba in the extreme south to Dafna in the far north, hard by the sources of the Jordan (a longer geographical stretch, by the way, than the Biblical distance from Dan to Beersheba) and from the flat Mediterranean coastal plain to the deepest recesses of the mountains of Judea. The wonders of Bethlehem and Jerusalem and Nazareth and Safad and Tiberias and all of Galilee, the beauty of Acre and Sharon and Haifa and Mount Carmen—these would be more interesting than a sociological survey.

On my very first day in Israel, I was a guest at the home of the Minister of Justice, Dr. Felix Rosen. Also present were all the high officials of the ministry, including the Attorney General. I was given a thorough briefing on the state of the nation; on the pressures which derive from considerations of both internal and

external security; on the terrific strain to which the absorptive capacity of the country is being subjected by reason of unprecedented mass migration from all the countries of Europe and the Middle East.

Israel had then been at peace for a little more than half a year. As a matter of fact, it could hardly be said to be at peace at all. Armistices had been signed with the neighboring Arab states as a result of the herculean efforts of Ralph Bunche. But formal treaties have, I believe, not even been discussed. What exists is at the best an uneasy truce. Most of the tensions of wartime remain. They are aggravated not only by precarious social and political conditions but also by the urgent need to initiate, literally from scratch, a reasonably self-sustaining agricultural-industrial economy.

It is indicative of the vitality of the people of Israel and their government that, notwithstanding all this, the social services of the country are not being neglected. On the contrary, they are being buttressed and extended everywhere, not merely those social services which have directly to do with the resettlement and retraining of entire segments of the new population, but on the whole front of public welfare, public health and education the movement goes forward and at an ever increasing tempo. The idea of "modernization," as they call it, of their correctional services is itself significant. Actually it does not take a very critical survey to determine that Israel does not have—and perhaps never will have—a crime problem remotely comparable to ours. To begin with, all the available records and statistics show that delinquent behavior is less polymorphous in its manifestations and less extreme in its consequences than in American communities. The incidence of crimes of violence is low with scarcely any organized crime and no gangs at all as we know them. Since the cessation of hostilities there has been an appreciable lowering of the crime rate for adults, due largely to the migration of the bulk of the Arab population.

This being so, one might imagine that the revision of the penal laws and the introduction of social services into the courts and prisons would be one of the programs to be deferred until the need to "put first things first" should have abated. But this is a determined and fundamentally a realistic people. They are thinking of the future more than of the present. And they are doing so in every aspect of public life. In correction they are not thinking of the present low and numerically inconsequential jail populations. These things they attribute to accidental or extraneous factors, such as the fiercely patriotic fervor which has surcharged the entire population during the past few years and which has made practically every kind of delinquent conduct not only criminal but treasonable. Rather, they are preparing for possible results from the inevitable clash of heterogeneous cultures. They are particularly interested in the evolutionary development of American correctional procedures because the melting pot here offers the only parallel in history to their own situation. There is for example considerable speculation even now that the increased criminality among "second-generation Americans," the children of immigrants, may be repeated in Israel.

I was to offer such help as I could toward establishment of adult probation and parole services patterned after the American idea. I was to have no concern, except perhaps incidentally, with protective and correctional services for children, since the state already had what it called a probation system for juveniles. It developed however that this system, from both the conceptual and administrative standpoints, and indeed from every other standpoint, was a far cry from what we understand by probation. Actually the structural character (if that is the proper term) of criminal jurisprudence in Israel is such that there is hardly any legal differentiation between children and adults. Children who transgress the law are proceeded against exactly as are adults. The correctional philosophy is the direct antithesis of

that which obtains usually in America where we place responsibility for delinquent acts committed by a child, as well as for delinquency in the abstract, on the community rather than the child. Our best contemporary practice requires therefore that the community, acting through the court, step in and exercise guardianship over all children found in such adverse social or individual condition as to foster latent antisocial inclinations or promote overt antisocial conduct; that it must provide for such children the same care, custody and discipline accorded to deprived and dependent children. We initiate action in the case of a child coming before the courts not on the basis of complaint filed against him, but by petition filed in his behalf. At least we do so in the more progressive jurisdictions. It is commonplace nowadays that the juvenile court addresses itself as much to the factors in the social personal situation of the child as to acts bringing him to its attention. The National Probation and Parole Association, and in fact the whole social work movement, has been promoting this idea so singlemindedly and so persistently that it should soon find universal acceptance in America.

In Israel the situation is the exact reverse, in the procedural scheme of things at any rate. Children charged with delinquent acts, whether of commission or omission, are legally responsible from the age of eight onward. They are arrested, fingerprinted and "tried" in the same manner as adults. "Minor offenses" are "prosecuted" in the magistrates courts with a police inspector acting as prosecutor. More serious offenses—those which for adults would be of felonious proportions—are theoretically triable in the district courts, with a member of the attorney general's staff as prosecutor. Fortunately, seriously delinquent conduct in children has not been a pressing problem since the new government came to power. The instances are rare wherein it has been necessary to hold children for trial in the higher court and as a rule the magistrates dispose of them.

I ought to interpolate here a word or two about the Israeli court system, which is on three jurisdictional levels. At the bottom are the magistrates courts, distributed more or less evenly among the three principal cities, Tel Aviv, Jerusalem and Haifa. Each city is in turn a sort of county seat for the surrounding country and in each a presiding magistrate is designated to apportion and administer the work of the courts. The bulk of the work is of civil character, but in criminal matters the magistrates constitute the court of original arraignment for all accused persons. They have summary jurisdiction of contraventions and minor offenses. They may also adjudicate certain misdemeanors triable upon information. But in all serious (felonious) cases they may only examine the evidence to make sure that it is sufficient to sustain the charge and to warrant continuing the case for trial in the higher court. The district courts are staffed by some twenty-five judges, the geographical distribution being more or less in the same ratio and in the same pattern as the magistrates. Again the bulk of the work is civil litigation, but these courts have jurisdiction of all crimes that we would classify as felonies or high misdemeanors which have been passed along to them after the initial examination and screening in the lower courts. There is no such thing as trial by jury nor is there likely to be, since even the yet-to-be-adopted draft constitution does not provide for it. The judges pass upon the facts as well as the law in every case. They sit singly except in capital cases and when acting on appeals. In both the latter situations, three judges sit as a tribunal and a majority vote prevails. At the top of the judicial ladder is the Supreme Court of Israel, consisting of a chief justice and six associate justices. Its functions in all essential respects are equivalent to those of our own U. S. Supreme Court.

The judicial scheme is simple enough. In fact from the layman's and litigant's standpoint, it is delightfully so. However the picture is a little complicated in that

there are also rabbinical courts which although religious in character have a wide area of civil jurisdiction. These courts, for example, handle all matters pertaining to civil status including marriage, divorce, custody of children and estates.

There had been until now no separate children's court. The nearest approach to one was the development of a system under which a magistrate took time out from his regular work one day a week in each of the three principal cities to try accused children. Note that I am using the past tense here. The situation has been remedied within the past month by the appointment of a new magistrate to handle all juvenile delinquency and neglect cases throughout the country on a full time basis.

Since 1933 there has been probation service of a sort for children when an Order in Council promulgated by the British High Commissioner for Palestine provided that after investigation and trial before a judge, a child might be returned to the community under a probation order. A small staff of probation officers was appointed to do the investigating and has continued to function ever since. In 1946 the law was amended to permit the probation order to apply to adult offenders also. This however has never yet been put into practice. The language of the statute, in fact, makes the idea of probation for adults impossible of realistic implementation. The very locution "probation order" is itself unfortunate in that (as written and defined) it makes supervision something static and immutable. It conveys the impression that probation is not so much a vehicle or instrument of rehabilitative treatment as a sort of strait-jacket hung around a defendant's neck, whether it fits him or not.

The existing probation service for children amounts to little more than a sort of child guidance clinic. The administrative philosophy is that probation and psychotherapy are synonymous. At any rate, the department chooses to deal only with emotionally disturbed children,

chiefly those it classifies as neurotic or psychoneurotic and whom it diagnoses as needing deep-level or supportive treatment. It rejects all others on the theory that it has no responsibility for them. The principal qualifications for the position of probation officer—in fact at the moment the only qualification—is that the applicant be a lay analyst.

I spent a great deal of time reading case histories (those compiled during the Mandate are in English) in an effort to understand the basis for this philosophy. The records shed no light since they are sketchy in the extreme. No preliminary investigation report consisted of more than a paragraph or two of stereotyped information, undocumented for the most part, of the type that could be turned out on a mass production basis. The statistical picture showed that of all the children coming before the courts not more than twelve to fifteen per cent (in the periods for which figures were available) were "accepted" for probation. The word accepted is used advisedly. The decision lies with the probation officers, not with the judge. By a quirk of circumstance the probation service is located in an administrative department, the Ministry of Welfare. It is autonomous insofar as the court is concerned. In all matters affecting placement of children on probation, the department is the tail which wags the judicial dog. Because of all this, the conclusion was inescapable that probation in Israel, even from the standpoint of semantics, has only the remotest relationship to what we mean by probation in America. The Israeli approach too radically circumscribes the area and effectiveness of the service. For one thing, it makes no provision for eighty-five per cent or more of the children coming before the court, leaving the entire responsibility for this segment to the police, the institutions, and to the more or less haphazardly organized public and private social agencies. For another thing, it overlooks services along such lines as community organization, reeducation, guidance of the executive or

leadership type, and preventive work in general, all of which probation officers in this country consider within their normal province.

Because these conclusions might have been formed on insufficient observation or improper understanding of conditions in this astounding country, I felt constrained to check them with responsible officials in every related arm of the government and in private social work. Everywhere there was dissatisfaction with the prevailing philosophy of probation. Most observers expressed themselves repeatedly to the general effect that the probation service was pursuing a distressingly pedantic course in Israel and one which it would be fatal to project into the adult courts. On this point, judges, lawyers, police officials, social workers, institutional personnel and even members of the faculty of the Hebrew University took advantage of my assignment to beat a continuous tattoo upon my ears. They all felt that if any realistic hope were to be entertained of an effective probation system in Israel and of meeting the expected rising incidence of delinquency in the aftermath of war and in a polyglot population, an overhauling of the machinery of justice was called for all along the line. It became therefore a part of my obligation to expound not only the theory but the techniques of American probation practice in investigation, supervision, case recording, evaluation and research. I was also required to relate this as best I could to the correctional scene in contemporary Israel. The result of eight weeks of effort was a 107 page effusion to the Ministry of Justice in which suggestions were advanced for reorientation of the entire correctional scheme, for children as well as adults, to a more liberal philosophy of probation and to legislative and procedural innovations.

With no operative investigation service in the adult courts, there has been of course no formal probation supervision. In its place is the widespread use of fines and of the device known as "binding to the peace." All

committed defendants go to prison for the most part as anonymous entities, identified only by numbers and card indexes. All commitments are for definite terms, and all inmates except those serving life sentences are automatically discharged at the expiration of two-thirds of the sentence without regard to their readiness to be thrust back into the community or to community readiness to receive them. The prisons themselves are, for all practical purposes, prehistoric. I haven't time to discuss them here except to say that they are a heritage from the Turkish regime. Notwithstanding that the new Israeli government has done everything that is humanly and architecturally possible to improve them, they are still pretty primitive, even by the worst American standards.

The greatest justification for introduction of an adult probation system in Israel is not so much the impetus it would give to promotion and vindication of the salvage principle over the punitive. Nor is it the social, moral and financial economies that would result from selective extra-mural treatment of offenders. Rather, it would lie in the immense contribution that the pre-sentence (diagnostic) surveys would make toward practical and purposeful retraining programs in the institutions—toward making prison a constructive rather than a brutalizing experience.

Bearing this in mind and bearing in mind also the pressing need for all possible operating economy, it was felt that a combination probation and parole system, fully coordinated with the institutional programs, would be most practical and feasible for the immediately foreseeable future. Furthermore, the same program could provide proper handling of *all* children in the courts, and aftercare for those who would be committed to the approved schools (equivalent to open reformatories).

Accordingly, suggestions for legislative reform were adapted from the model probation and parole act prepared by the National Probation and Parole Association, but with one significant difference. It was felt strongly

that anything having to do with deprivation or restoration of individual liberties ought to be exclusively a judicial function, not one which is divided more or less indiscriminately between the courts and an assortment of administrative agencies or boards, however spectacularly efficient these latter might be. In Israel the volume of correctional work has not been, is not now—nor is it likely to be—of proportions to make it impossible for the judiciary, acting through a properly established and competently oriented probation and parole department, to handle effectively all matters relating to placement on probation, commitment to or release from institutions and prisons, and post-release supervision. Accordingly, all suggestions for legislative changes were drafted with the idea of vesting in the judges both the power to suspend sentence and the power to parole.

I regret that time does not permit a detailed recapitulation of the proposals for reform. Briefly they were as follows:

1. A separate juvenile court having no organic connection with any other court.
2. Revision of procedures for handling children and of the entire concept of the "probation order" to bring them into line with contemporary American practice.
3. Introduction of the power to suspend imposition or execution of sentence for adults and to place deserving offenders on probation.
4. Institution of the indeterminate sentence principle for all adult commitments, to permit prisoners to *earn* discharge.
5. Appropriate legislation for after-care and post-release supervision.
6. Reorganization (with some small increments to the personnel) of the present probation staff into two divisions, juvenile and adult, both to handle pro-

bation and after-care. This recommendation had to be worked out in great detail.

7. Enunciation of a clear-cut and purposeful philosophy of probation and parole.
8. Designation of a committee of the judiciary to administer all matters relating to probation, parole and after-care.
9. Development of in-service and other training courses to remedy existing deficiencies.
10. Provision for systematic evaluation of correctional efforts, and for general criminological research.

Some of the foregoing recommendations, as previously stated, have already been put into effect. A separate juvenile court has been established, and by a happy coincidence, the judge assigned to it is none other than the able young man who was my interpreter and guide. He is not a lawyer but a social worker. This in itself is fortunate. The social forces affecting the lives of children are so ramified in Israel, and the community movement to meet them is so diffusely organized, that it would seem that a great talent in the law is a less imperative qualification in a juvenile judge than the capacity to understand and deal with the good and evil in the constantly changing social structure.

One of the greatest obstacles that had to be overcome in initiating an adult probation system was the tradition that everything presented in court must be formally "in evidence." The British influence is very strong in the Israeli courts. All or almost all of the judges and lawyers have grown up professionally under the mandatory government. Under the British system, both the judicial person and the judicial office are sacrosanct in the sense that nothing may be presented to a judge unless it is "on the record" and subject to cross-examination and rebuttal. Most jurists and members of the bar had difficulty in understanding how probation re-

ports, which in a manner of speaking enter the judicial presence through the back door, are admissible at all. This feeling generally prevailed although all the lawyers could appreciate that producing information in open court about the intimate details of the personal and family lives of defendants, which probation reports normally contain, would tend to destroy the therapeutic usefulness of the documents. It would in time dry up the very sources from which the information is assembled since there could no longer be an assurance that confidence would be preserved. Fortunately lawyers everywhere are convinceable by precedent and by high court opinions even more than by logic or dialectic and it was possible to spring on them a very notable opinion indeed. The eloquent language and the still more eloquent reasoning of our own United States Supreme Court in the recent *Tito Williams* case served admirably to dissipate the latent fears that probation service for adults as we envision it in America might turn out to be contrary to the evenhanded administration of justice in Israel.

I have confined this paper almost entirely to the correctional scene in Israel, and have not adverted at all to the general social work scene. One of the more pressing needs of Israel at the moment is for more effective organization and coordination of all the existing social services. There is perhaps not a country in the world which has such a multitude of diversified social work enterprises as exist in Israel at this moment. The main effort is of course directed toward resettlement of whole new immigrant communities, but everywhere projects abound in agriculture, in public health, mental hygiene, education, housing, child care, care of the indigent, vocational guidance, and hosts of minor movements of primarily philanthropic character. There is some coordination but none that is really well organized. There is, for instance, no central index or social service exchange. In the city of Tel Aviv it is allegedly possible to get

full relief services simultaneously from three agencies (and perhaps many more) without any one of the three necessarily knowing of the interest of the other two. An inventory of the social needs of the country is called for, also a directory of social service agencies covering every branch of social work from the Jewish National Fund on down. I personally felt that setting up an exchange and preparing a directory would logically come within the purview of the proposed new probation department.

A unique opportunity exists in Israel for original criminological research, particularly along demographic lines. Jewish communities separated from one another by time and territory, and differing from one another in physique, complexion, language and dialect, social customs, religious rites, habits of food and dress, traditions, even perhaps in origins, are being brought together from the four corners of the earth to be fused into a new homogeneity. Here is a rare opportunity for comparative study which it is no exaggeration to say may occur once in a thousand years. The opportunity goes, of course, far beyond the narrow orbit of criminological inquiry but even within this orbit, it is tremendous. I have a feeling that it is an opportunity which is not going to be missed in Israel.

VIII LEGAL DIGEST

NOTES

Legislation and Court Decisions Affecting Juvenile Courts, Probation and Parole, 1950

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REVISIONS of juvenile court laws, including important increases in state participation in juvenile court work, provide the most comprehensive legislative enactments of the year. A Youth Correction Division was created in the federal correctional system. In the adult field special legislation applicable to sex offenders was enacted and correctional services were reorganized in New Hampshire and Puerto Rico.

Among the decisions, two (one a New Jersey case relating to term of commitment of repeated offenders, the other a Pennsylvania ruling on credit for time served on parole prior to violation) affect the time of release of large groups of prisoners.

This digest is divided, like previous ones in the Yearbooks, into three sections: (I) Juvenile and Domestic Relations Courts and Youth Authorities, (II) Probation and Sentencing, (III) Parole and Correction. Within each section new laws, listed first, are followed by digests of recent decisions of interest.

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I JUVENILE AND DOMESTIC RELATIONS COURTS AND YOUTH AUTHORITIES

Legislation

Reciprocal Support Proceedings Additional states enacted the Uniform Reciprocal Support Act or a variant

of it. They are Kentucky (Ch. 66), Maryland (Ch. 13), Virginia (Ch. 423). See the 1949 Yearbook, page 259 for a digest of the main provisions and a list of jurisdictions which enacted this legislation last year.

The drafting committee of the Council of State Governments has approved a New Uniform Reciprocal Enforcement of Support Act drafted by the National Conference of Commissioners on Uniform State Laws. It states: "While it is believed that states which have already enacted the old Uniform Support of Dependents Law can work with states which enact the new Uniform Reciprocal Enforcement of Support Act, it is felt that the new act eliminates some of the difficulties encountered under the Uniform Support of Dependents Law. Therefore the Council of State Governments will be sponsoring henceforth the Uniform Reciprocal Enforcement of Support Act in place of the Uniform Support of Dependents Act."

UNITED STATES *Youth Correction Authority* A Youth Correction Division was created within the Board of Parole, consisting of members of the board designated from time to time by the Attorney General. The membership of the board was raised from five to eight members, all appointed by the President with the consent of the Senate instead of by the Attorney General as before the act. When the Attorney General certifies his readiness to receive them, youth offenders (persons under twenty-two years of age at the time of conviction) not placed on probation, may, in lieu of the penalty of imprisonment otherwise provided by law, be committed to the custody of the Attorney General for treatment pursuant to the provisions of the act to a maximum of six years, or if the court so provides, to a further period but not beyond the maximum penalty provided for the offense. The court may, prior to disposition, order a youth offender committed for observation at an appropriate classification center. The institutions set aside by

the Director of the Bureau of Prisons shall insofar as practicable be used only for youth offenders, who shall be segregated from other offenders as well as according to their treatment needs. Every committed youth offender shall first be sent to a classification center or agency, which shall make a complete study of him. On completion of this study the offender may be released conditionally under supervision, or may be sent to an institution for treatment.

At any time thereafter the Youth Correction Division, on notice to the Director of the Bureau of Prisons, may conditionally release the youth under supervision, and after one year from the date of conditional release he may be discharged. The youth offender committed as such must be released conditionally under supervision on or before the expiration of four years from the date of conviction. If a commitment is for over six years, conditional release under supervision must be granted not later than two years before the expiration of the term imposed. Paroled youth offenders shall be supervised by United States probation officers, by supervisory agents appointed by the Attorney General pursuant to the act, and by voluntary supervisory agents approved by the division. Parolees may be returned to custody at any time. Upon unconditional discharge by the division before expiration of the maximum sentence imposed, the conviction shall be set aside.

The act also creates an Advisory Corrections Council composed of eight members: a United States circuit judge and two district judges designated by the Chief Justice of the United States; one member designated by the Attorney General who shall be chairman; the chairman of the U. S. Board of Parole; the chairman of the Youth Division; the Director of the Bureau of Prisons; and the Chief of Probation of the Administrative Office of the United States Courts. The council shall consider and make recommendations to the Congress and the President regarding problems of treatment and correc-

tion of all offenders, as well as crime prevention. (Public Law 865)

Federal Aid for Child Welfare Increased The appropriation for child welfare services, administered through the Children's Bureau, was increased from \$3,500,000 to \$10,000,000 annually. The definition of child welfare services was amended to include the cost of returning runaway children under sixteen to their own communities in other states in cases in which the cost cannot otherwise be met. Appropriations for other Children's Bureau services were also increased. (Public Law 734, Title III, Part 1)

GEORGIA District Juvenile Courts Authorized Effective in 1951, and subject to an appropriation not provided for, the 159 counties of the state are divided into 23 juvenile court districts. The judges of the courts, who may be either lawyers or persons experienced in child welfare, are to be appointed by the governor for six year terms at salaries of \$5000 to be paid by the state, subject to voluntary augmentation by the counties. It is provided that the judges shall constitute a juvenile court council of the state with a state paid executive officer. Probation officers, at least one of whom in each district shall be state paid, and other staff are to be appointed by the judge under civil service. Additional personnel shall be paid by the counties. The courts have the usual juvenile court jurisdiction, but the upper age limit is under seventeen, as contrasted with the present age limit of under sixteen. Jurisdiction is exclusive as under the present law; however, whereas at present transfers for criminal proceeding may be made in any case, under the new law such transfers would be limited to cases of children sixteen or over charged with an offense which would be a felony if committed by an adult. (Ch. 788)

LOUISIANA Revised Juvenile Court Law A single enactment now takes the place of the three separate acts

for juvenile courts in Orleans parish, Caddo parish, and in the rest of the state. As before, district court judges generally serve as juvenile court judges, except in Orleans and Caddo parishes where the act continues separate courts. Jurisdiction is substantially the same as under the old law, although the definitions of delinquency and neglect are simplified. The former provision excepting emancipated minors from juvenile jurisdiction as children is eliminated. Jail detention of children up to fifteen years of age is prohibited; formerly, except in Orleans parish, the prohibition was applicable only to children under thirteen. Under the old law the responsibility for detention was with the sheriff in all parishes except Orleans and Caddo; detention homes or detention in some other suitable institution or agency are required for all courts under the new law. Formerly a child over thirteen could be fined or imprisoned; this provision is eliminated. (Ch. 82)

Youth Commission A permanent state youth commission is established, consisting of nine members appointed by the governor, not more than four of whom shall be state officials or employees. Its duties are to collect data, make special studies of conditions affecting the welfare of children and youth in the state, and to recommend improved and additional resources for children. It serves also as an advisory body in regard to new legislation in the field and coordinates the services of all agencies in the state serving children and youth. Members are unpaid, but a full time executive secretary is provided for under civil service. Terms of the members are six years, staggered. The act abolishes the State Juvenile Court Commission. (Extra Session Act 25)

VIRGINIA Juvenile and Domestic Relations Court Revised A revision of the juvenile and domestic relations court law provides increased state aid to the development of probation and detention facilities, although

the act does not include an appropriation. The Director of Welfare and Institutions is empowered to establish a division with a director whose duties would include certification of eligibility lists for probation officers, and coordination of social services, probation and detention facilities. Compensation of probation officers is fixed locally, and the state reimburses the locality for one-half. Local superintendents of public welfare or their designees may also serve as probation officers.

It is the duty of the State Department of Welfare and Institutions under the new act to develop a statewide plan for detention facilities, and the director is empowered to appoint a state supervisor and other agents for the purpose. The localities remain responsible to provide and maintain the facilities which are subject to visitation by the state board, the state reimbursing the cities or counties to the extent of two-thirds of the salaries of employees, as well as the entire cost of food and supplies, as under the old law.

Exclusive jurisdiction of the court, which includes children under eighteen, is limited by provisions which permit a child of fourteen or over to be transferred for criminal proceeding, and where the offense if committed by an adult would be punishable by death or imprisonment for twenty years or over, a child fourteen or over may be indicted. The court continues to have broad juvenile and family jurisdiction. The categories "delinquent," "neglected," and "dependent" are eliminated. The act authorizes informal adjustments by the court without petition. Judges are locally appointed as heretofore; partial state compensation continues. (Ch. 383)

PUERTO RICO *Juvenile Courts* Under the revised judiciary act a Minor's Guardianship Court was created, with juvenile jurisdiction. District court judges previously served as juvenile court judges. The act provides for a "probationary" officer for each court. (Act 432)

Decisions

NEW YORK *Juvenile Delinquency Based on Culpable Negligence* A boy of almost sixteen was adjudged delinquent for firing a gun in the direction of another boy. He did not intend to hit the victim, but the bullet, apparently deflected by a twig, struck and killed the other boy. Adjudication of delinquency was sustained on the ground that the act if committed by an adult would constitute second degree manslaughter, an offense based on culpable negligence. Two judges dissented in the Appellate Division on the ground that "the concept of culpable negligence, as applied to the conduct of adults, should [not] also be applied to the conduct of children."—*In re Masten*, 276 App. Div. 252, 94 N.Y.S. 2d 277, *aff'd*. 301 N.Y. 505, 93 N.E. 2d 72.

Transfer of Child from Private to Public Institution A child committed as a delinquent by the Children's Court to a private institution was later transferred by the institution to the state training school without notice to the parents and without a hearing. Held, the transfer should be canceled and the child returned to the court for further disposition. The court cited the provision of the Children's Court Act that the court may "commit the child to a suitable institution maintained by the state or any subdivision thereof, *or subject to the further orders of the court to an authorized agency.*" Noting that this general practice had not previously been questioned, the court ruled that the action would deprive the parents of the right to ask the court for a review of the commitment on a showing that changed conditions would warrant returning the child to the home.—*In re Smith*, 92 N.Y.S. 2d 529.

OHIO *Notice to Parent Required for Permanent Commitment of Child* A juvenile court order changing a temporary commitment of a dependent child to a permanent commitment, made on one hour's notice to

the parent, was held invalid despite appearance of the mother at the hearing. The parent was entitled to notice long enough in advance to adequately prepare for it and to secure counsel if she desired.—*In re Frinzi*, 152 O. St. 164, 87 N.E. 2d 583. (Compare *Petition of Morin*, 95 N.H. 518, 68 A. 2d 668, in which revocation of probation without notice to parent upheld; reported NPPA Yearbook 1949, p. 265.)

II PROBATION AND SENTENCING

Legislation

GEORGIA *Interstate Compact* Enactment of the compact for interstate probation and parole supervision by the Georgia legislature leaves only two states, North Carolina and Texas, outside its operation. (Ch. 796)

Pre-sentence Psychiatric Examinations In counties having a population of 70,000 or more, a mental or psychiatric examination may be ordered prior to sentence at county cost. (Ch. 427)

Probation in Felony Cases, Jury Cases Probation, previously limited to misdemeanor cases, may now be used in any case.

Sentences in Georgia are fixed by the jury in jury trials. It is specifically provided that the judge imposing sentence following a jury verdict may suspend jury sentence and place the defendant on probation. (Ch. 762)

MASSACHUSETTS *Pre-sentence Report Not to Contain Prior Criminal Prosecution Not Resulting in Conviction* Amendment of the probation law prohibits including in the pre-sentence report any information of prior criminal prosecutions in which the defendant was found not guilty. (Ch. 145)

NEVADA *Constitutional Amendment Authorizing Probation Act* The final step, a favorable vote by the

people, was taken to adopt a constitutional amendment authorizing the legislature to enact probation laws. (L. 1949, Res. 7; see 1949 Yearbook, page 268)

NEW JERSEY *Sex Offenders* Persons convicted of certain specified sex offenses must now be committed to the Diagnostic Center in Menlo Park for up to sixty days for physical and mental examination. If it appears to the court that the defendant's conduct was characterized by a pattern of repetitive, compulsive behavior, and was violent, or the act was committed by an adult against a child under fifteen years of age, on recommendation of the Diagnostic Center the court shall require out-patient psychiatric treatment as a condition of probation, or shall commit the offender to prison for the maximum provided by law for the crime, subject to parole at any time. Parole must be approved by a special classification review board appointed by the Board of Control of Institutions and Agencies. A semi-annual institutional report with a recommendation regarding suitability for parole, is required. Good time allowances are not granted such prisoners. Under the 1949 act, now repealed, probation was not permitted to such offenders.

Any person believing himself suffering from a physical or mental condition which may result in sexual trends dangerous to the welfare of the public, may be admitted to the Diagnostic Center for examination and diagnosis, and if such a condition is found he may be voluntarily admitted for treatment; five days notice of desire to leave would have to be given to the director of the center. (Ch. 207)

NEW YORK *Life Sentence for Sex Offenders* Alternatively to punishments previously provided, certain enumerated sex offenses may be punished by an indeterminate term of one day to life imprisonment. No person may be sentenced for such offenses without a

psychiatric examination having been made. Conditional or absolute discharge from parole may be granted at any time. The department of mental hygiene is required to provide psychiatric and psychological services to the Department of Corrections and the Division of Parole. (Ch. 525)

County Probation Departments The several counties in the state with countywide probation departments have been joined by Nassau and Schenectady, where county probation departments have been created. In each, as in the existing departments, the law provides for appointment of a director of probation, by the county and children's court judges in Nassau county, and by these judges together with the supreme court trial justice in Schenectady county. The director appoints probation officers and other employees of the department subject to approval by the judges. The departments serve all courts in the counties, except that city courts may continue to be staffed by their own officers. (Ch. 753, 807)

Decisions

UNITED STATES Evidence of Prior Criminal Activity for Sentencing Purposes Following conviction for attempted income tax evasion, testimony relating to alleged unlawful activities not resulting in conviction and unrelated to the present crime, was admitted for sentencing purposes. The testimony in this case was given by an agent of the Internal Revenue Bureau in open court, and the witness was subject to cross examination. The admission of this evidence was held not a violation of due process.—*Taylor v. United States*, 179 F. 2d 640.

ALABAMA Probation Following Affirmance of Conviction Probation was not considered where defendant failed to surrender herself to the trial court within fifteen days following affirmance of conviction by the appellate court, as required by law. Mandamus was issued

requiring the trial court to consider an application for probation made after the fifteen day period but before the defendant commenced serving her sentence, since there is no statutory limitation of time for the granting of probation.—Ex parte Smith, *Smith v. Pelham*, 41 So. 2d 570.

FLORIDA *Sentence of Fine and Probation Invalid* Fined and placed on probation following conviction of keeping a gaming table, defendant paid the fine and contested the probation order. Citing the Florida statute empowering the court to suspend only imposition of sentence with the granting of probation, the "sentence in portions" was held invalid. The court noted that the rule is contrary in other jurisdictions, among them California, Nebraska, New York and the federal courts.—Ex parte Bosso, 41 So. 2d 322.

III PAROLE AND CORRECTION

Legislation

IDAHO *Parole of Sex Offenders* A person committed to the penitentiary for enumerated sex crimes, or who is otherwise a "sexually dangerous person," may not be paroled except upon the recommendation of one or more psychiatrists, and then only to a suitable state hospital from which he may not be released except upon similar recommendation. A person committed to the penitentiary for murder in the first or second degree, occurring in the commission of or attempt to commit a sex offense, must serve his full sentence. (Ch. 75)

MISSISSIPPI *Parole Law Revised* A completely revised parole law, eliminating the requirement that the governor approve paroles, but retaining most of the provisions of the former act, was enacted. A full time parole board of three, including one required to reside

at the state penitentiary, takes the place of the former three-man board of which only the chairman was on full time. Although a nominating committee of five is set up to investigate the qualifications of applicants for positions on the board and to certify qualified persons to the governor, the governor in making the appointments may ignore the names certified. Eligibility for parole remains at one-third of the term. There is added however the requirement that sex offenders shall not be released until found by a psychiatrist to be normal. County welfare agents, sheriffs, and members of the parole board continue to serve as parole officers. (Ch. 524)

NEW HAMPSHIRE Department of Corrections Created The governmental reorganization act includes creation of a Department of Corrections responsible for the state prison, the industrial school, their respective boards of parole, and the state probation department. General supervision of the state prison and industrial school is vested in the board of control of the department. The board consists of one each of the appointed members of the boards of trustees of the state prison and of the industrial school (chosen by the appointed members of the respective boards) and a member of the board of probation. As before, the boards of trustees of the institutions appoint institution executives subject to approval of the governor and council, and the board of probation appoints its director. And as before, the governor and council retain ultimate authority over the institutions.

The act also establishes an interdepartmental committee on welfare and institutions, consisting of the commissioner of public welfare, warden of the state prison, state parole officer, superintendent of the industrial school, director of probation, superintendent of the state hospital, director of the mental hygiene clinics, superintendent of the Laconia State School, commandant

of the Soldier's Home, superintendent of the State Sanatorium. This committee considers problems common to the agencies, advises the various boards, and makes recommendations as to legislation. (Ch. 1, Part II)

NEW JERSEY *Good Time for Repeated Offenders*
Following a ruling on procedure in establishing prior convictions (see below, Decisions, New Jersey, Ex parte Breslin), amendment of the statute repeals these provisions: 1) requirement that a parolee whose sentence had been commuted by time earned for good behavior must serve the commuted time in addition to a new sentence for a crime committed while on parole; 2) requirement that a person sentenced for a third term serve previously earned commutation time, and prohibition to his earning good time commutation on the last sentence. (Ch. 315)

Parole Eligibility under Consecutive Sentences
Where consecutive sentences are imposed they shall be deemed to be a single sentence with a minimum equal to the total of the minimum limits of the several sentences, and a maximum equal to the total of the maximum limits. (Ch. 292)

Parole of Sex Offenders See II (New Jersey)

NEW YORK *Parolee under Life Sentence May Marry*
A prisoner sentenced to life imprisonment, deemed civilly dead and hence denied permission by the parole board to marry, is authorized to marry. If marriage is contracted without prior permission of the parole board, parole may be revoked. (Ch. 144)

Parole of Sex Offenders See II (New York)

PUERTO RICO *Reorganization of Correctional Services*
Under the 1950 reorganization act, a reorganization plan has been approved under which the parole board is placed under the supervision of the attorney

general, who, with the approval of the governor, will appoint its members. Formerly members were appointed by the governor. Also transferred from the governor to the attorney general is the function of approving rules and regulations adopted by the board. (Reorganization plan No. 8)

Decisions

GEORGIA *Restricted Activities of Parole Board Member* Violation of the provision of the parole law forbidding a board member from engaging in any other business or serving as the representative of a political party was held not to act as a forfeiture of office since that statute provides for no penalty or forfeiture. Participation by the violating member in board actions was upheld.—*McLendon v. Everett et al*, 205 Ga. 713, 55 S.E. 2d 119; *Turner v. Wilburn*, 206 Ga. 149, 56 S.E. 2d 285.

NEW JERSEY *Establishment of Repeated Offender Status* Where commitment was based on a single conviction, but prison officials, acting on information of previous convictions in their possession, treated the defendant as a third offender and deprived him of the privilege of earning commutation time, this action was held a denial of due process. The previous convictions must be established on notice to the prisoner as to liability to the heavier penalty.—*Ex parte Breslin*, 9 N.J. Super. 356, 74 A. 2d 373. The decision was followed by revision of the statutes depriving repeated offenders of the privilege of earning commutation time for good behavior; see above, *Statutes, Parole and Correction, New Jersey*, Ch. 315.

PENNSYLVANIA *Credit for Parole Time Served Subsequent to Violation but before Revocation* Parolee on two occasions violated a condition of parole by leaving the state without permission of the parole board. On

each occasion substantial periods elapsed between the violation and arrest for it although the parole board on its records had promptly marked the parolee delinquent. The court ruled that credit must be given for all time served prior to apprehension. The court relied on the distinction in the statute which provides that a parolee who commits a crime punishable by imprisonment receives no credit for time served on parole prior to the violation, but where a condition of parole is violated, the board is required to pass on the question of delinquency, and recommitment shall be for the remainder of the sentence dated from the date of arrest for the violation of parole. The court quoted with approval a prior ruling, in which it was declared, "It seems that the inflicting of a penalty compelling a maximum term from the date he was originally paroled, was too harsh and stringent; that a parolee who has violated a rule ought to be considered in a different category from one who has committed another criminal offense."

The parole board had contended that parole being a matter of privilege, the board may attach, even after the fact, any condition it sees fit, such as a condition that parole be revoked on violation of a condition. Said the court, "The grace extended by parole is the grace of the law and not of the board."—Commonwealth ex rel. Tate v. Burke (Pa. Board of Parole, Intervenor), 364 Pa. 179, 71 A. 2d 241. Many prisoners and parolees were affected by the decision, scores being released or discharged from parole, hundreds having their remaining prison time shortened.

IX THE NATIONAL PROBATION AND PAROLE ASSOCIATION

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### Review of the Year 1949-1950

WILL C. TURNBLADH

*Executive Director*

**D**URING the year<sup>1</sup> the Association extended service to more states than in any year since its inception. In the increasing requests for service coming to the Association from all sections of the country there is evidence of a growing public realization of the relationship of enlightened effective juvenile and family courts, probation and parole to the total wellbeing of our society. This report gives some of the highlights of the Association's efforts to assist communities and states in initiating and improving probation and parole services which will more truly protect society while preserving the human values of the individual.

The midwestern office in Chicago worked in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. The southern office in Houston served Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The western office in San Francisco gave service in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming and British Columbia. The national office in New York City did work in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Vermont, Virginia, West Virginia, and the District of Columbia.

<sup>1</sup>Owing to the time gap between the end of the fiscal year, March 31, 1950, and the appearance of the Yearbook these reports do not adhere at every point to this date span. Some matters of special interest are included, as indicated, which occurred after the closing date.

*Field Service*

ALABAMA Mr. Ward conferred with officials of the Birmingham juvenile court on problems of intake, supervision, detention, and personnel. Mr. Wise visited the state prison and interviewed members of the parole board.

ARIZONA Mr. Schapps participated in an FBI institute for law enforcement and probation officers in Phoenix, at which he spoke on central juvenile index methods. He conferred with Governor Garvey and other persons concerning a study of the industrial school. He consulted with the Indian agent at Tucson regarding a survey of delinquency among Indian youth, assisted an oral examining board at Fort Grant for selection of a training school superintendent, and advised on the detention home in Phoenix.

ARKANSAS At the Southern States Probation, Parole and Prison Conference held in Little Rock, NPPA sponsored a juvenile probation officers' institute under the leadership of Harrison A. Dobbs of Louisiana State University. Mr. Ward was responsible for organizing and supervising this institute. He maintained an exhibit of NPPA material and summarized the conference at the closing session. At Fort Smith Mr. Ward advised against the renovation of a tuberculosis hospital for a detention home.

CALIFORNIA Only a small portion of the many efforts of the western office in California can be mentioned here. Mr. Schapps served as chairman of a special committee to study and report on probation services in California, 1948-1949; directed the survey covering fifty-nine departments; and edited and prepared the report for publication by the Special Crime Study Commissions on Adult Corrections and Release Procedures and Juvenile Justice.<sup>1</sup> A joint California Youth Authority-

<sup>1</sup>See *Focus*, January 1950, "Probation in California—Self-analysis."

NPPA report on the Coordinating Councils of San Francisco was completed. Mr. Schapps presented a report for the administrative standards committee of the California Probation and Parole Association and made over 600 copies of the report available to the membership of the CPPA. Frequently during the year the western office assisted state and local civil service departments in the examination of candidates for various probation and related positions. At the request of the judge of the superior court in Seattle, Washington, Mr. Rector visited Los Angeles to confer with county superior court judges and court officials in a brief study of the Los Angeles County Children's Court of Conciliation. A report of this study was submitted to the Seattle judge.

A study of the adult probation department in San Francisco was completed by Mr. Schapps and Mr. Rector and submitted to the criminal court judges and county supervisors. Substantial action was taken soon after our recommendations were submitted. Assistance was also given in the organization and staffing of the new San Francisco detention home and guidance center.

**COLORADO** In Denver, Mr. Rector consulted with judges, juvenile and adult probation officers, and state civil service officials on various projects and problems. He assisted in formulating job specifications for the newly established positions of state chief parole officer and assistant chief. In the course of the Colorado Conference of Social Welfare he read a paper on NPPA services.

**CONNECTICUT** Mr. Turnbladh attended a meeting of the Connecticut Probation and Parole Association in Hartford; addressed a seminar on adult probation at a lawyers' institute held at Trinity College; and attended an institute of the Connecticut Probation and Parole Officers Conference at Storrs, where he addressed a session on recent developments in legislation. Mr.

Norman visited Connecticut to study the detention facilities for the state juvenile court and relations with police.

**DELAWARE** In Wilmington Mr. Wise consulted with officials of the Prisoners Aid Association in regard to the proposal for a state department of corrections.

**FLORIDA** Mr. Chute attended the conference of the National Council of Juvenile Court Judges in Miami, where he spoke on "The Fiftieth Anniversary of the Juvenile Court and Probation Services." During his stay in Miami, Mr. Chute conferred with judges, probation and parole authorities, and other officials; visited the adult probation and parole departments; and made a brief study of the proposed detention home. Mr. Ward promoted interest in the constitutional amendment permitting the establishment of statewide juvenile courts and worked on the program of the Southern States conference. Visits were made to Bartow, De Land, Orlando and St. Petersburg.

**GEORGIA** Mr. Ward visited Savannah at the request of groups responsible for the planning of a detention home. Prospects for a new NPPA-approved detention home in the near future seemed favorable. In Macon the new detention home, built according to NPPA specifications and planned with the help of Sherwood Norman, was visited and recommendations for minor alterations were made to the judge and the architect. The home is perhaps the most modern building of its kind in the south.

Assistance in drafting a bill to conform closely to the Standard Juvenile Court Act, providing for district juvenile courts with probation service, was given to the committee promoting the legislation. While some changes made in the bill before passage were undesirable, it was felt that the legislation did provide the basic framework for an adequate statewide service.

**IDAHO** Mr. Rector represented the NPPA in the planning of the Western Probation and Parole Association conference in Boise and took an active part in the sessions. Mr. Schapps, as secretary-treasurer to the WPPA, also attended the conference. While in Boise he visited the federal probation officer and conferred with state officials and other community leaders interested in the correctional field.

**ILLINOIS** A survey was made by Mr. Reed in Kewanee at the request of the Kewanee Juvenile Council and in cooperation with the Division of Youth and Community Service of the State Department of Public Welfare; recommendations concerning foster care and detention facilities were given to the Council. Mr. Reed participated in the work of the committee on the maladjusted child of the Welfare Council of Metropolitan Chicago. As a result of the efforts of this committee, the juvenile bureau of the Chicago police department was reorganized, expanded, and revitalized. Mr. Reed corresponded with Governor Adlai E. Stevenson regarding reorganization of the state parole system, and addressed the criminal law committee of the Chicago Bar Association on the reorganization of parole in Illinois. Owing at least in part to the efforts of the Illinois members of the Midwestern Advisory Council and Mr. Reed, a qualified chairman of the state parole board was appointed by the governor. This appointment led to a much needed reorganization of the adult parole system. Mr. Wise recommended candidates for staff positions to the parole authorities. Initial data were obtained for a detention study by Mr. Reed in Waukegan.

**INDIANA** Partly as a result of the Association's efforts in Indianapolis in 1948, legislation was passed raising salary ceilings for all juvenile probation officers and for adult probation officers in two counties. Mr. Reed conferred with the new juvenile court judge and the chief probation officer in South Bend with specific

reference to the proposed detention program for the county. Mr. Norman met with the court's advisory committee and submitted detailed comments on its proposed detention program. Several conferences were held with the juvenile court judge, the chief probation officer, executives of social agencies, and interested citizens in Gary and Hammond in reference to the formation of a citizens' advisory committee to the juvenile court and the possibility of a survey of that court and the probation department.

IOWA Mr. Rector attended the first annual training institute in Iowa City sponsored by the Iowa Welfare Association and the State University of Iowa. He addressed the Black Hawk County Social Service Council in Waterloo on probation in Iowa, emphasizing the total absence of an adult probation system in the state. During the visit conferences were held with the juvenile court judges, their probation staffs, and the director of the community chest.

KANSAS At the request of the judge of the juvenile court in Kansas City, Mr. Reed made an informal survey of the status of detention in the area. In the course of this brief study, he met with two committees appointed by the Council of Social Agencies to consider the detention problems and needs of the area. Mr. Wise conferred with members of the state parole board and spoke with other state officials regarding development of their use of NPPA services.

KENTUCKY As a result of Mr. Reed's visit to Louisville, a citizens' advisory committee of the juvenile court was appointed by the judge. Dr. Spafford Ackerly, a psychiatrist and director of the county child guidance clinic, was made chairman of this committee. Other results of Mr. Reed's work in Louisville were the acceptance of the Association's minimum personnel standards, the appointment of a qualified chief probation officer, and the reorganization of the probation department.

**LOUISIANA** The new juvenile court judge in New Orleans, the new probation director, and the director of the Council of Social Agencies were visited to appraise progress since our 1947 survey. There is definite prospect of developing here, within the next few years, one of the leading juvenile court and probation departments in the south. In Shreveport state planning was discussed with the chairman of the Juvenile Court Code Commission and plans were laid for future services to that group. Local juvenile probation and detention programs were evaluated and suggestions regarding them were made to the new chief probation officer. Mr. Wise met with members of the new parole board and talked with the classification officer at the penitentiary.

**MARYLAND** Mr. Wise interviewed the executive director of the Prisoners Aid Association in Baltimore, the warden of the state penitentiary, and the director of classification in the prison.

**MASSACHUSETTS** Sherwood Norman consulted with the new youth service board regarding detention and reception center plans and met with the Recess Commission on Juvenile Delinquency to discuss proposed revision of juvenile court laws.

**MICHIGAN** Mr. Norman visited in the state preliminary to setting up a statewide study of detention. In Lansing our interests in several Michigan cities were discussed with the director of the Children's Division, State Department of Social Welfare. Mr. Norman and Mr. Turnbladh met with the Commissioner and the Supervisor of the Child Welfare Services of the State Department of Welfare and with a representative of the Michigan Probate Judges Association. As a result of this conference, the judges' association requested a survey of detention in Michigan, which Mr. Norman later conducted. A detention home, based on the Association's model, was planned for Monroe. Mr. Norman visited St. Joseph to promote the erection of a new de-

tention home. This home had been suggested in the Benton Harbor-St. Joseph survey made by Mr. Reed in September 1948. Visits were made to Battle Creek and Marshall, and a brief study was made of the operation of the juvenile court, the probation department, and the detention home. Partly as a result of Mr. Reed's efforts, the financing of the detention home was changed from a fee basis to a straight salary for the superintendent. Added funds were also approved for its operation. Mr. Wise consulted with correction and parole board officials in the state prison.

**MINNESOTA** Several visits were made to St. Paul; progress in the Ramsey County Probation Department was noted and assistance was given in the reorganization of the youth bureau of the St. Paul police department. Following conferences with the chairman of the State Board of Parole, the chairman of the State Youth Commission, and others, the Association was requested to conduct a survey of probation and parole in cooperation with the state departments, along the lines of the "self-study" made in California. The governor, the State Board of Parole, the County Judges Association, the Minnesota Probation and Parole Association, and the Youth Commission with its citizens' advisory committee unanimously endorsed the undertaking. Mr. Reed made a follow-up visit to Minneapolis in conjunction with our survey of September 1947.

**MISSISSIPPI** We continued the campaign for adult probation begun in the first quarter of 1949. A bill drawn by Mr. Ward in cooperation with a committee of judges and probation officers, creating a state department of probation and parole, was favorably regarded by the governor and the leaders of the legislature. Heretofore only misdemeanants were admissible to probation; in contrast, this new bill would provide for the use of probation in other cases. Mr. Wise in his visit strengthened local interest in the bill.

MISSOURI Mr. Reed conferred in St. Louis with Fred J. Hoffmeister, member of the Midwestern Advisory Council, the director of the St. Louis Planning Council, and the executive secretary of the Missouri League, in reference to the expansion of the Association's services in Missouri. Visits were made to the probation departments of the juvenile, municipal, and United States district courts in Kansas City. At the request of the chairman of the merit board, assistance was given by our New York office on the written examination for the position of chief probation officer in the juvenile court of Kansas City. The prospects are favorable for the passage of legislation setting up a separate juvenile court for the city. An exploratory visit was made by Mr. Reed regarding the proposed survey of the circuit court. Mr. Wise consulted with officials of the state prison and reformatory.

MONTANA Mr. Schapps attended the Montana State Conference of Social Welfare, took part in panel discussions, spoke on probation, and presided at the closing general session. He conferred with state officials and community leaders on adult probation and parole matters and visited the State Penitentiary. In Missoula he discussed NPPA services with the newly elected president of the State Welfare Conference.

NEVADA Mr. Rector visited Reno and Carson City to confer with state and local officials in behalf of the proposed juvenile court bill, the interstate compact bill, the adult probation resolution, and the state youth council bill. All except the last were passed. In Las Vegas he met with judges, probation officers, police and welfare officials, and detention personnel to discuss their current problems and particularly the coordination of their services. In Reno Mr. Rector met with members of the probation committee regarding the minimum standards for probation officers as provided by the new juvenile court law.

**NEW JERSEY** Mr. Wise made two visits to the state for information regarding the parole setup.

**NEW MEXICO** At the request of the Albuquerque League of Women Voters, Mr. Schapps met with that organization and in subsequent meetings consulted with a special survey committee on the planning of a study dealing with public services to children. He visited the girls' welfare institution and the county detention home and discussed the services of the NPPA with the probation officers and others. Mr. Schapps made a consultation visit to Hobbs, and inspected the New Mexico Boys Ranch, for which Rotary had raised \$200,000. In regard to the latter, Mr. Schapps was asked to offer written suggestions concerning maximum cottage populations, casework services, and the need for a trained superintendent.

**NEW YORK** Mr. Rubin served on a commission appointed by prison service agencies to amend the regulation requiring approved employment prior to release on parole. In Utica Mr. Turnbladh arranged a survey of the juvenile court and detention needs of Oneida county, subsequently made by Mr. Norman. Mr. Wise met with classification committees and the parole board at New York prisons and reformatories and studied the work of the service unit at Elmira Reformatory. Detention services were reviewed in Utica by Mr. Turnbladh preparatory to a survey made by Mr. Norman. Mr. Norman also advised on detention needs in Schenectady and Poughkeepsie.

**NORTH CAROLINA** Accompanied by a staff member of the Department of Public Welfare, Mr. Ward visited juvenile court and probation officials, welfare administrators, and others in Burlington, Charlotte, Durham, Greensboro, Raleigh, and Winston-Salem. The detention quarters for Negroes at Winston-Salem were appraised.

**OHIO** Definite recommendations concerning a detention program for Mansfield were made in the course of an informal child care survey by Mr. Reed. Results of the Association's survey of the Cleveland Municipal Court probation services were the following: the appointment of a qualified casework supervisor; acceptance by the judges of our recommendation as to minimum qualifications for appointment of probation officers; provision for additional probation officers in the budget; and enrollment of ten members of the probation staff in a special course in casework given by Western Reserve University. Mr. Wise consulted with the state probation and parole departments.

**OKLAHOMA** A special juvenile court act was passed by the Oklahoma legislature for Tulsa county. Mr. Ward met with the juvenile court committee to discuss various administrative problems related to the law. The act which assessed all convicted persons \$1 (earmarked to provide for additions to the staff of the state pardon and parole board) was contested.

**OREGON** In Salem Mr. Rector attended a meeting of the State Parole Board and discussed parole problems and the possibility of a future survey to be made by the NPPA. In Eugene Mr. Schapps inspected the site where a new juvenile detention home was to be built and held conferences with various citizens, officials, and agencies in preparation for the submission of suggestions regarding the construction and administration of the home. The Multnomah county detention home under construction at Portland was visited and plans for its equipping, staffing, and use were discussed with county probation officials. Mr. Wise visited the state prison and sat in on a board hearing.

**PENNSYLVANIA** In Philadelphia Mr. Turnbladh addressed the meeting of the Pennsylvania Association on Probation and Parole; and Mr. Norman consulted with the architect and local officials preparing the plans for

the Youth Study Center. In Harrisburg Mr. Wise interviewed officials of the state parole system; in Norristown he consulted with local people regarding the organization of a survey committee.

**SOUTH CAROLINA** The judge of the new children's court in Spartanburg was consulted and the staff visited to appraise the progress made since the survey.

**TEXAS** Mr. Ward attended legislative committee hearings in Austin and held conferences with the authors and sponsors of twenty-seven pertinent bills introduced during the session. The session ended with a net gain not only in juvenile probation and court services but also in adult probation and parole. Several conferences were held on detention, personnel, and agency relationships with the chief probation officer, the director of the Community Welfare Council, and the director of the Youth Development Council. In San Antonio Mr. Ward helped coordinate a child welfare survey with the intensive survey of the juvenile court and probation department which had been made by Mr. Chute for the NPPA. In Houston several conferences were held with the new chief probation officer on problems of administration, personnel, and detention. Mr. Schapps inspected proposed juvenile detention facilities at El Paso and conferred with the county judge and probation officer as well as with community leaders on the development of needed resources.

**UTAH** In Salt Lake City Mr. Rector conferred with state welfare, probation and parole, and juvenile court officials, and visited the Boys Training Center and the State University Graduate School of Social Work. With officials, faculty members, and others, he discussed various legislative and administrative matters pertaining to probation and parole and related correctional services. Mr. Wise visited state authorities regarding parole and saw the old prison soon to be replaced.

VERMONT Judge Smyth's address to the state social work conference in Burlington led to an expression of considerable interest in the need for a statewide survey in Vermont.

VIRGINIA The State Conference of Social Work requested the Association to work with it over a period of the next few years on an overall study of correctional services in Virginia and in the development of a balanced program for juvenile courts, probation, and parole. Mr. Turnbladh conferred with the governor and with the presidents of the State Conference of Social Work and the Bar Association regarding this long range project. Mr. Norman made a survey of detention in Richmond.

WASHINGTON Mr. Rector visited Seattle, Bellingham, Port Orchard, Spokane, Colfax, Pullman, and Yakima and conferred with judges, probation officials, university faculty members, legislative representatives, and others in regard to juvenile courts, detention, probation, and legislative matters. He served as consultant to the Council of Social Agencies in Seattle in the study of protective services for children, conducted by the U. S. Children's Bureau. This practical cooperation between the Bureau and the Association in field service proved effective. Mr. Schapps consulted with juvenile court judges and others in regard to Ranch Homes.

WEST VIRGINIA In Charleston Mr. Wise visited the governor, the new judge of the domestic relations court, and probation and parole officials.

WISCONSIN Mr. Reed appeared before the state legislature to argue for a conditional release law. In Milwaukee a resolution was passed by the Board of Supervisors appointing NPPA as official consultant on questions of the design of new juvenile court and detention buildings.

**WYOMING** In Cheyenne Mr. Rector consulted with members of the Wyoming Youth Council, state probation and parole officials, and social welfare executives regarding plans for juvenile court legislation and juvenile probation services.

**DISTRICT OF COLUMBIA** Mr. Chute appeared before the Congressional Committee on Public Assistance at its hearing on the Doughton Bill, H.R. 2982. He conferred with congressmen and representatives of the Children's Bureau and the Administrative Office of the United States Courts.

**BRITISH COLUMBIA** In Vancouver Mr. Rector conferred with municipal and provincial officials on probation and parole matters, visited the Borstal School, and talked with officials and others regarding the organization of a department of corrections.

#### *Conferences, Institutes, Speeches and Broadcasts*

**INTERNATIONAL** Mr. Chute, Mr. Turnblad, and Mr. Wise participated in a meeting of the special United Nations committee on probation, which had been formed the previous year with the assistance of the Association.

**NATIONAL** The Association's forty-second annual conference was held in Cleveland from June 9 to June 13, 1949, preceding the National Conference of Social Work. The NPPA was also a part of the annual Congress of Correction, which was held in Milwaukee in September 1949. We were represented by Mr. Norman at a conference on training schools sponsored by the U. S. Children's Bureau.

**REGIONAL** Mr. Wise and Mr. Ward took part in the Southern States Conference on Probation and Parole at Little Rock, Arkansas, in April 1949. Mr. Wise de-

livered a talk before this conference, attended the Mid-Atlantic States Conference on Parole in Atlantic City in May 1949 (at this conference the name of the organization was changed to the Middle Atlantic States Conference of Correction), and appeared on the program of the Western Probation and Parole Association conference in Boise, Idaho, in September. Mr. Schapps is secretary-treasurer of the conference. Mr. Rector was secretary to the WPPA program committee which planned the sessions. Mr. Chute spoke at the New England Conference on Probation, Parole, and Crime Prevention held in Newport, Rhode Island in September 1949. The Southern Regional Conference of Community Chests and Councils, held in Galveston, Texas, was attended by Mr. Ward.

**STATE AND LOCAL** Staff members attended and participated in thirteen state and local conferences in ten states during the year.

**INSTITUTES** Staff members participated in many institutes in various parts of the country throughout the year. Among the institutes assisted by the Association were the following: a one-week institute at Camp Waldemar, the fourth of this kind in Texas since the NPPA began cosponsorship of the series; a training institute sponsored jointly by the Illinois Probation Officers Association and the NPPA in conjunction with the Eighteenth Annual Conference on Youth and Community Service; a correctional institute at the University of California; an institute for juvenile probation officers at Little Rock, Arkansas, held as part of the Southern States Probation and Parole Conference.

**ADDRESSES AND BROADCASTS** Staff members spoke before groups in many sections of the country, making a total of eighty-six addresses. These included ten radio broadcasts and one telecast.

### *Legislation*

Suggestions for a manual on juvenile court laws were given to the Iowa Probation and Parole Association. Data on special state parole provisions relating to veterans were given to the United States probation office for the District of Columbia. A tabulation and ranking of state parole laws was prepared for the writer of a magazine article on parole who had consulted the Association. The first four chapters of *Parole Systems in the United States* appeared in mimeographed form. Legal comment was given to courts, official agencies, and legislative committees interested in probation and parole bills and laws in Delaware, Georgia, Idaho, Kentucky, Maryland, Massachusetts, Missouri, New Hampshire, New York, Oklahoma, Tennessee, Virginia, and the District of Columbia.

### *Parole Division*

Mr. Randolph E. Wise, parole director, who began his work with the Association in February of 1949, held conferences with parole administrators and other interested groups in thirty-two states and in Washington, D. C. Twenty penal institutions in ten states were visited. Mr. Wise assisted the staff of Phillips Lord, Inc. in the preparation of the "Gangbusters" radio program relating to parole and cooperated with the University of Tennessee in a study of parole administration in that state. He was elected president of the Correctional Service Associates, an affiliate of the American Prison Association.

### *Publications*

The major publication of the year was the 1949 Yearbook, *Current Approaches to Delinquency*. A revised edition of *Salaries of Probation and Parole Officers in the United States* was published.

Reprinted in a pamphlet entitled *Detention Home Services* were the following papers from the Yearbook:

|                                        |                 |
|----------------------------------------|-----------------|
| A Detention Home Activities Program    | Richard Allaman |
| The School in the Detention Home       | Sherwood Norman |
| Guidance in the Detention Home Program | Henry Lenz      |

### Periodicals

*Focus*, bimonthly magazine (May, July, September, November 1949; January, March 1950)

### Reprinted from *Focus*

|                     |                         |
|---------------------|-------------------------|
| The Parolee Reports | Dr. Melitta Schmideberg |
|---------------------|-------------------------|

### Publications Reprinted

|                                                                             |                 |
|-----------------------------------------------------------------------------|-----------------|
| The Design and Construction of<br>Detention Homes for the Juvenile<br>Court | Sherwood Norman |
| Probation and Parole in Theory<br>and Practice                              | Helen D. Pigeon |
| Probation, What Is It?                                                      |                 |

### Survey Reports

|                                                                                                      |                                       |
|------------------------------------------------------------------------------------------------------|---------------------------------------|
| The Probation and Parole Service of<br>the Wisconsin State Department of<br>Public Welfare           | Francis H. Hiller and<br>Hugh P. Reed |
| The Community and the Detention<br>of Children in Oneida County,<br>New York                         | Sherwood Norman                       |
| Detention for the Juvenile Court,<br>Richmond, Virginia                                              | Sherwood Norman                       |
| Detention and Juvenile Court Facili-<br>ties in Hamilton County, Cincin-<br>nati, Ohio               | Sherwood Norman                       |
| The Juvenile Court, Juvenile Office,<br>and Related Agencies, Bexar Coun-<br>ty (San Antonio), Texas | Charles L. Chute                      |
| Probation Department of the Muni-<br>cipal Court, Cleveland, Ohio                                    | Francis H. Hiller                     |

### Other Small Publications

Annual Report 1948-1949  
*Focus* Index  
 NPPA Platform (reprinted)

*Detention*

Requests for advice on detention facilities, study of detention home plans, and demands for field services continued to grow in 1949-50. Mr. Norman made extended studies of detention needs and facilities in Boston; Utica; Richmond, Virginia; Milwaukee; Monroe, Michigan; Spartanburg, South Carolina; Syracuse, New York; and South Bend, Indiana. He helped a Massachusetts commission on delinquency to draft new legislation in relation to juvenile courts and detention homes. In several instances Mr. Norman was able to discourage authorities from proceeding with detention home plans which were ill advised. In Harrisburg, Pennsylvania, the architects who had drawn plans for a detention home to serve the county court as an all-purpose facility were convinced by Mr. Norman that the proposed home had some fundamental defects and agreed not to go ahead with it. Similarly, the detention home committee in South Bend, Indiana abandoned proposed use of a poorly constructed building on the grounds of a children's home and planned to construct a properly designed home.

*Publicity*

A special Easter appeal letter, which was sent out over the signature of Pat O'Brien, Hollywood actor and a member of our National Advisory Committee, drew gratifying results. In connection with the letter, the Art Scanlon radio show on Station WINS, New York, made an appeal for support of our work, and the radio program "Gangbusters" featured a statement by Roscoe Pound on the subject of parole. A literature booth was maintained at the Women's International Exposition in New York. Mr. Turnbladh spoke about the work of the NPPA on two radio programs, "Welcome Traveller" and "On the Twentieth Century," over a Chicago station.

*Motion Picture*

We arranged to participate in a project of the Social Service Section of the Division of Social Activities of the United Nations. This group has been assembling a catalogue of films which can be lent to member governments of the UN to enable those "with less developed social welfare programmes to benefit from the experiences and techniques developed by countries more advanced in these fields." Film rentals and sales of *Boy in Court* were twenty-one and nine, respectively. New prints of the film were ordered.

*Board of Trustees, Officers and Committees*

The Board of Trustees voted to meet quarterly instead of three times a year with the finance and executive committees meeting during the interim. The Board of Trustees is composed of judges, lawyers, probation, parole and institution administrators, educators, a psychiatrist, a district attorney, a clergyman, and business and industrial leaders. The devotion of the trustees to the objectives of the Association is reflected in the immeasurable time and energy they volunteer throughout the year.

At the annual meeting of the Association held April 27, 1950 in Atlantic City, it was voted to amend the by-laws of the Association to increase the Board of Trustees from a maximum of thirty to a minimum of thirty and a maximum of sixty members, and this was approved by the Board of Trustees on June 15, 1950.

*Professional Council*

The Professional Council met in Cleveland on June 9 and in Milwaukee on September 26, 1949.<sup>1</sup> The minutes of the meetings held in Atlantic City on April 27, 1950 and in St. Louis on December 10, 1950 are included as part of this report.

<sup>1</sup>As recorded in the 1949 Yearbook.

*Staff Changes*

After a distinguished career extending over twenty-five years as a field consultant and director of field services for the Association, Francis H. Hiller retired on March 31, 1950. In the course of his service Mr. Hiller made great contributions not only to the development of the Association but to the advancement of probation and parole throughout the country. It is hoped that his good counsel and the benefit of his rich experience will be available to the Association from time to time.

*Membership and Financial Support*

The chief support of the Association comes from members and contributors located in every state of the Union as well as from some in foreign countries. Dues and contributions received during the fiscal year totaled \$246,454.03, and came from 34,007 persons, indicating a slight decrease in the number and amount of contributions from the previous year.

New and renewal contributions for the year ended March 31, 1950 are shown in the following table:

|          |                      | Number of Contributors |             |
|----------|----------------------|------------------------|-------------|
|          |                      | Renewal                | New         |
| Under \$ | 2                    | 1,574                  | 461         |
|          | 2                    | 4,401                  | 544         |
|          | 2.01 to \$ 4.99 inc. | 3,493                  | 546         |
|          | 5 " 9.99 "           | 10,490                 | 2,492       |
|          | \$ 10 " 24.99 "      | 6,404                  | 1,592       |
|          | 25 " 49.99 "         | 1,242                  | 364         |
|          | 50 " 99.99 "         | 201                    | 46          |
|          | \$100                | 99                     | 43          |
| Over     | 100                  | 11                     | 4           |
|          |                      | <hr/> 27,915           | <hr/> 6,092 |

Grand Total (active members and contributors March 31, 1950)..... 34,007

Total receipts and disbursements are shown in the treasurer's report which follows. The bulk of the Association's support is derived from our members and contributors who renew their support from year to year. During the year special appeal letters, sponsored by local committees, judges and prominent citizens, were sent to selected lists in 287 communities. These resulted in widespread interest and support for the work. Our sincere appreciation is extended to the many judges, probation and parole workers, and interested citizens who have aided the work of the Association, financially and otherwise, during the past year. Due to their continued assistance we have been able to expand the work and meet the constantly increasing number of requests for service which we receive from all over the country.

As we are the only national organization in the field, demands and opportunities for our services are unlimited. The continued assistance of all who read this report is requested.

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## Treasurer's Report

### NATIONAL PROBATION AND PAROLE ASSOCIATION

#### GENERAL FUND

#### STATEMENT OF CASH RECEIPTS AS RECORDED, AND DISBURSEMENTS FOR THE YEAR ENDED MARCH 31, 1950

BALANCE APRIL 1, 1949.....\$ 23,136.32

#### RECEIPTS:

|                                            |                     |                     |
|--------------------------------------------|---------------------|---------------------|
| Dues and contributions.....                | \$246,454.03        |                     |
| Local contributions for field service..... | 5,231.82            |                     |
| Income from investments.....               | 5,718.28            |                     |
| Sale of publications.....                  | 2,834.20            |                     |
| Legacies:                                  |                     |                     |
| Estate of                                  |                     |                     |
| Mr. J. C. Troutman.....                    | \$2,000.00          |                     |
| Estate of Miss Elizabeth                   |                     |                     |
| R. McMillan .....                          | 1,500.00            |                     |
| Estate of Mrs.                             |                     |                     |
| Frederick Tillinghast .....                | 500.00              | 4,000.00            |
| Film sales and rentals.....                | 268.59              |                     |
| Miscellaneous .....                        | 161.98              |                     |
|                                            | <u>\$264,668.90</u> |                     |
| Transfers from Reserve Fund.....           | 29,472.61           | 294,141.51          |
| Total .....                                |                     | <u>\$317,277.83</u> |

#### DISBURSEMENTS:

|                                     |              |
|-------------------------------------|--------------|
| Salaries:                           |              |
| Field and consultation services.... | \$ 77,892.98 |
| Publications, research and educa-   |              |
| tion services .....                 | 29,676.06    |
| Administration and program sup-     |              |
| port .....                          | 51,937.65    |
| Extra service .....                 | 8,159.50     |
| Travel expense .....                | 28,159.36    |
| Multigraphing .....                 | 32,439.33    |
| Printing .....                      | 18,340.96    |
| Postage and express.....            | 18,971.32    |

|                                                                                                                                 |                     |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Portion of contribution to employees' pension trust applicable to current service (less cancellation recoveries \$665.72) ..... | 10,890.26           |
| Rent .....                                                                                                                      | 8,895.55            |
| Office supplies .....                                                                                                           | 5,954.51            |
| Special contributions .....                                                                                                     | 5,556.45            |
| Telephone and telegraph.....                                                                                                    | 3,466.18            |
| Equipment .....                                                                                                                 | 413.80              |
| Publications purchased .....                                                                                                    | 308.02              |
| Miscellaneous .....                                                                                                             | 2,575.06            |
|                                                                                                                                 | <hr/>               |
| Total disbursements .....                                                                                                       | 303,636.99          |
|                                                                                                                                 | <hr/>               |
| BALANCE, MARCH 31, 1950.....                                                                                                    | <u>\$ 13,640.84</u> |

## RESERVE FUND

|                                                                                                                          |                    |
|--------------------------------------------------------------------------------------------------------------------------|--------------------|
| BALANCE, APRIL 1, 1949:                                                                                                  |                    |
| Investment in bonds and stocks—                                                                                          |                    |
| at cost .....                                                                                                            | \$78,451.05        |
| ADD—Profit on sale of securities.....                                                                                    | 2,308.86           |
|                                                                                                                          | <hr/>              |
| ADD—Profit on sale of securities.....                                                                                    | \$80,759.91        |
| DEDUCT:                                                                                                                  |                    |
| Transfers to General Fund.....                                                                                           | 29,472.61          |
|                                                                                                                          | <hr/>              |
| BALANCE, MARCH 31, 1950:                                                                                                 |                    |
| Investments in bonds and stocks—at cost (\$50,868.09), and cash on deposit in the Operating Fund account (\$419.21)..... | <u>\$51,287.30</u> |

## RETIREMENT FUND

|                                                                                      |                    |
|--------------------------------------------------------------------------------------|--------------------|
| BALANCE, APRIL 1, 1949:                                                              |                    |
| Investment in United States of America Treasury bonds, principal amount—at cost..... | \$32,000.00        |
| CONTRIBUTION TO EMPLOYEES' PENSION TRUST FOR PAST SERVICE BENEFITS .....             | 9,100.17           |
|                                                                                      | <hr/>              |
| BALANCE, MARCH 31, 1950:                                                             |                    |
| Represented by securities—at cost.....                                               | <u>\$22,899.83</u> |

## ACCOUNTANTS' CERTIFICATE

## National Probation and Parole Association:

We have made an examination of your accounts for the year ended March 31, 1950. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances; as to contributions and dues, it was not practicable to extend the examination beyond accounting for the receipts as recorded.

In our opinion, the accompanying statements set forth the cash receipts and disbursements of your General Fund and the changes in your Reserve and Retirement Funds for the year ended March 31, 1950.

(Signed) HASKINS & SELLS

New York, May 2, 1950

## TREASURER'S NOTES

1) There were unpaid bills carried over on March 31, 1950 amounting to \$1,275.47, subsequently paid.

2) The above statement divides the funds of the Association into the General Fund, which is our operating account, and the Reserve Fund. The latter has been built up from time to time by setting aside various sums from current receipts. The Board of Trustees has considered this fund essential to protect the Association in case of emergencies which might bring about a reduction in annual contributions. The Association has received from time to time certain legacies and also gifts of substantial amounts. While none of these legacies or gifts have been restricted as to their use in the work of the Association, it has seemed to the trustees that the Association would be carrying out the purpose of the donors in treating them as part of a special fund, of which the principal should not be used except in case of emergency. Therefore it was decided that such legacies and gifts might properly be looked upon as among the sources of the Reserve Fund, although such legacies and gifts have not been separately invested.



## Minutes

### MEETING OF THE PROFESSIONAL COUNCIL

Atlantic City, New Jersey

April 27, 1950

A MEETING of the Professional Council was held in connection with the national conference of the Association at the National Conference of Social Work. The luncheon was attended by the following members:

Richard Allaman, Ohio; C. Wilson Anderson, Delaware; F. Lovell Bixby, New Jersey; Charles H. Boswell, Indiana; Charles L. Chute, New York; John K. Donohue, Minnesota; Edmond FitzGerald, New York; Joseph H. Hagan, Rhode Island; Gordon S. Jaeck, Minnesota; George G. Killinger, Washington, D. C.; Clarence M. Leeds, New York; Henry Lenz, Pennsylvania; William Oldigs, Wisconsin; Russell G. Oswald, Wisconsin; Elmer W. Reeves, New York; John O. Reinemann, Pennsylvania; Richard T. Smith, New Hampshire; Leon T. Stern, Pennsylvania; Will C. Turnbladh, New York and Gordon Weist, Indiana. Also in attendance were: Mrs. Marjorie Bell, Hugh P. Reed, Judge Smyth and Randolph E. Wise.

Leon T. Stern, vice chairman of the Council, presided during the first part of the meeting, and Edmond FitzGerald during the later part. Telegrams received from Richard A. Chappell, chairman of the Council, and Joseph Y. Cheney, past chairman, were read as were messages from other members conveying regret at their absence.

Mrs. Bell, editor of the Association's publications, presented a report on the magazine *Focus* and the *Yearbook* and invited discussion of the publications and the general reaction of those in attendance as to the possible combination of the two into a larger magazine. She

explained that such discussion was purely exploratory and that the question had been raised several times whether or not our readers would make more use of a larger magazine than of the reference shelf of *Yearbooks*, supplemented by *Focus* in its present form. Points of interest raised in the discussion were: the wider circle of readers for *Focus* in comparison to the *Yearbook* (12,000 as against 4,000) the more popular approach in *Focus* which is due partly to the non-professional reader group, and on the other hand, the substantial library value of the succession of *Yearbooks* addressed primarily to professional workers. In both publications an effort is made to achieve a maximum of readability with a minimum of cost but it is possible with the magazine to use printing devices which make it more open and attractive to read. Doubling the size of the magazine and continuing to issue it as a bi-monthly would come to about the same total of reading material as we have at present. The general sentiment of the Council members present was in favor of retaining the present separate publications. They expressed enthusiasm for the make-up and style of *Focus* as well as its diversified content and were of the opinion that a larger publication might sacrifice reader interest and possibly compete with *Federal Probation* where the two publications now complement each other.

Mr. Leeds, chairman of the standards committee, reported that the committee had prepared a preliminary draft of a substantially enlarged statement of standards which eventually would be issued by the Association in printed form. Since the draft had not yet been approved by the committee his report was preliminary and he invited comment from the Council on several controversial points. The report suggested the use of the term "probation and parole counselor" instead of "officer" and it was agreed that the Council membership should be canvassed as to their preference on this. Under the minimum qualifications the *equivalent* of a bachelor's

degree was eliminated, leaving college graduation as a minimum educational qualification. The Council voted favoring this change. The draft provided for a starting salary of \$3600-\$4000 as compared to the old \$2600-\$3000. There was some discussion as to whether this should be further increased but it was agreed that as this was only a starting minimum the salary suggested in the draft was more realistic and therefore preferable.

Mr. Leeds expressed appreciation for the suggestions offered and indicated that he would incorporate them and submit the draft to the standards committee for their approval. Thereafter the report will be submitted to the Council as a whole and then to the Board of Trustees for final approval.

Because of the short time remaining the written reports of the committee on interstate cooperation and the committee on research were not discussed and it was agreed that they would be mailed to the members with the Council minutes.

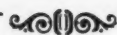
Mr. Turnbladh expressed concern over the arrangements for this year's conference in conjunction with the National Conference of Social Work. He reported that while the associate groups constituted 80 per cent of the program meetings of the NCSW, their programs were compressed into two days, that the various associate groups were scattered up and down the boardwalk for some twenty blocks thus making attendance quite difficult, that repeated meetings in Atlantic City meant that other sections of the country are limited in participation, and that the conference loses considerably by this lack of geographical variation. He recommended that a special committee on conference organization be created in the Professional Council. Following an affirmative vote, the chairman appointed the following members to serve on this special committee to study problems relating to the conduct of the Association's national con-

MINUTES OF PROFESSIONAL COUNCIL, ATLANTIC CITY 287

ferences and report back to the Professional Council: Edmond FitzGerald, chairman, C. Wilson Anderson, F. Lovell Bixby, George G. Killinger, Elmer Reeves, James Phillips, Will C. Turnblad.

WILL C. TURNBLADH

*Secretary*



## Minutes

### MEETING OF THE PROFESSIONAL COUNCIL

St. Louis, Missouri

October 10, 1950

THE meeting was called to order by the chairman, Richard A. Chappell. Members present represented nineteen states and the District of Columbia.

The chairman appointed a committee on nominations consisting of Joseph Y. Cheney of Florida, Robert Smith of Vermont, and Milton Weiffenbach of Missouri.

The minutes of the last meeting were approved and the secretary presented the report of the committee on standards which consisted of data from a mail survey on the preference of members for the terms "probation officer" and "probation counselor." Forty-three of the 68 responding favored counselor instead of officer. It was voted that the report of the committee on standards be accepted.

The report of the committee on research was read by the secretary. This committee has completed two projects: one is a form modeled after the Census Bureau forms for gathering uniform nationwide judicial criminal statistics but containing social data not heretofore included in the Census Bureau's collection; the other project is the study of release from state training schools which is in manuscript form ready to be edited and published. It was voted that the report of this committee be accepted and that the committee pursue its objective of resumption by the Census Bureau of publication of national judicial criminal statistics.

A motion was made by John Zuck that the secretary address letters (with later follow-up, if necessary) to the appropriate officials (each member to be circularized for the names of such officials) requesting authorization for attendance of Council members at national conferences.

It was suggested that such a request might result in attendance of members as a part of their official duty, and that their expenses might be paid. The motion was passed.

Milton Weiffenbach suggested that the chairman appoint Council members residing in or near the meeting places of national conferences as official delegates of NPPA to such conferences.

Richard Chappell reported on the workshop on probation at the recent conference of the American Bar Association. The NPPA cooperated in this project. Two pre-sentence investigation reports were presented to a board of three judges, for discussion of the problems involved and the factors for or against granting of probation in each case. Following the decisions, John Zuck discussed the supervision aspects of probation work.

The secretary asked for discussion and a motion relating to the future national conferences of the Association in conjunction with the National Conference of Social Work and the Congress of Correction of the American Prison Association. The Council voted that the next conference session be held for two full days (Friday and Saturday) preceding the National Conference of Social Work, and that the Association continue to meet as at present with the Congress of Correction, the business meeting to be held in conjunction with each national conference on alternate years as at present.

The chairman entertained a motion that several of the standing committees which have performed their intended function and are now inactive, be discharged. In accordance therewith it was voted that the committees on delinquency prevention, training, council organization, and public relations be discharged. John Donohue discussed the need for continuing interest and cognizance, on the part of the Council, of training needs.

The secretary discussed the appreciation of the Association for the Professional Council and the value of the Council as an advisory group on policy for the Associa-

tion and for the nationwide development of the profession of probation and parole. He discussed the need for the Association to obtain and maintain certain basic information regarding probation and parole departments throughout the country which would be of professional and administrative value to the departments themselves if kept current. Examples of what already has been done are the national salary surveys and the directory, both of which should be annual or biannual publications.

The secretary submitted a suggested outline of basic information which the Association will attempt to obtain nationally, to be compiled in annual report form for distribution to the participating departments by the Association. Such information would include data regarding caseloads, salaries, recruiting and hiring procedures, minimum entrance requirements, staff developments and in-service training, intake procedures, general casework practices, lists of departmental manuals and reports, statistics regarding number of convictions, probation dispositions and denials, commitments and releases, budgetary information, et cetera.

It was voted that the Council go on record favoring the plan to provide such current information, and it was suggested that the secretary submit the plan and outline to each member of the Council for suggestions.

The nominating committee submitted a slate of candidates for the coming year consisting of Richard Chappell, chairman; Harvey Long, Leon Stern and John Zuck as vice chairmen; and Will C. Turnbladh as secretary. The secretary was directed to cast a unanimous ballot for the above officers.

WILL C. TURNBLADH  
*Secretary*

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## Minutes, Annual Business Meeting

NATIONAL PROBATION AND PAROLE ASSOCIATION

Atlantic City, New Jersey

April 27, 1950

JUDGE GEORGE W. SMYTH, president of the Association, who presided, reported that a survey of the Association conducted by the John Price Jones Company, fund raising experts, had strongly recommended that we undertake a major effort to enlist outstanding citizens, prominent in business and public life throughout the country, in support of high standards of probation and parole service. The Board of Trustees had, to this end, recommended that the by-laws of the Association be amended to permit increasing the number of trustees. Judge Smyth presented this recommendation to the membership for their consideration. It was

VOTED that the certificate of incorporation of the National Probation and Parole Association be amended to provide that the Board of Trustees of the Association shall hereafter consist of not less than thirty nor more than sixty members, as the board shall determine.

VOTED that the following amendments to the by-laws of the National Probation and Parole Association are hereby approved, subject to the approval of the Board of Trustees of the Association.

ARTICLE VII BOARD OF TRUSTEES was amended to read as follows:

The Board of Trustees shall consist of not less than thirty nor more than sixty members as the board shall determine from time to time, to be elected by the members of the Association at its annual meeting. At each annual meeting trustees shall be elected in number and for terms of three years or less as determined by the Board of Trustees, so that one-third of the terms of

trustees shall expire each year. The board may fill any vacancy occurring among the officers or members of the Board of Trustees for the unexpired term, except that in the case of a vacancy occurring through increasing the number of trustees, the appointment shall be until the next annual meeting of the Association. The board shall elect a chairman annually. He shall preside at the meetings of the board and shall be *ex officio* a member of all committees of the board.

ARTICLE IX COMMITTEES was amended by omitting the first two paragraphs thereof and by substituting in lieu thereof the following paragraph:

There shall be an Executive Committee elected annually by the Board of Trustees. The number of members of the committee and the number required to constitute a quorum shall be determined by the Board of Trustees. The committee shall elect its chairman annually. It shall have the power and perform the duties of the Board of Trustees between the meetings of the board.

The executive director reported that 191 persons from 36 states and from Alaska, Canada and Sweden, were in attendance at the conference.

The nominating committee, consisting of Henry C. Hill, Pennsylvania, Chairman; Elmer Reeves, New York; Richard Allaman, Ohio; Russell Oswald, Wisconsin; and Charles Chew of Virginia, nominated the following persons for election to the Board of Trustees: Edward B. Everett, Georgia, and Joseph H. Hagan, Rhode Island. The following trustees were nominated for re-election, each for a three year term: Judge Paul W. Alexander, Ohio; Mrs. Sidney Borg, New York; William Dean Embree, New York; Judge John Warren Hill, New York; Daniel E. Koshland, California; Joseph P. Murphy, New Jersey; Laurence G. Payson, New

York; Roscoe Pound, California; Willis Smith, North Carolina.

VOTED that the report of the nominating committee be accepted and a unanimous ballot cast for the election of the following persons as trustees of the Association for a term of three years: Judge Paul W. Alexander, Ohio; Mrs. Sidney Borg, New York; William Dean Embree, New York; Edward B. Everett, Georgia; Joseph H. Hagan, Rhode Island; Judge John Warren Hill, New York; Daniel E. Koshland, California; Joseph P. Murphy, New Jersey; Laurence G. Payson, New York; Roscoe Pound, California; Willis Smith, North Carolina.

The resolutions committee consisting of John K. Donohue, chairman; Joseph H. Hagan, Henry J. Palmieri and Joseph Landeau, submitted the following resolutions which were adopted:

WHEREAS, the conference has been an outstanding success and has contributed to the knowledge and inspiration of those privileged to attend,

BE IT RESOLVED: that we express our appreciation to the speakers, the chairman of the meetings, the conference program committee and the officers of the National Probation and Parole Association, the New Jersey Probation and Parole Association, the National Conference of Social Work and the individual judges and probation and parole officers who have helped to make it a success.

WHEREAS, there is a continuing need for expansion of probation and parole services,

BE IT RESOLVED: that the membership of the Association commends its Board of Trustees for its increased activity and initiative in broadening the support of the Association, and urges that the Association's field work be developed beyond the point of field service on invitation, to an expanded field program which would include regular periodic visits to all probation and parole offices in the interest of standards.

WHEREAS, the American Bar Association has planned a session devoted to adult probation and sentencing procedures for its forthcoming national conference,

BE IT RESOLVED: that the membership of the National Probation and Parole Association commends the American Bar Association for the aforementioned program plans and urges that the American Bar Association continue to study this subject matter in future meetings, to the end that this very important phase of the administration of criminal law may be properly explored.

WHEREAS, the Board of Trustees of this Association has shown unusual diligence and foresight in the recruitment of citizen leadership to our program,

BE IT RESOLVED: that the Board of Trustees be commended for its efforts in enlisting outstanding citizen leadership in support of probation and parole and in the extension of the program of the National Probation and Parole Association.

It was also recommended that the Board of Trustees consider the need for a research project to be undertaken by or through the National Probation and Parole Association, to test the effect of the casework process in the supervision of probationers and parolees to the end that we may better appraise the value of casework principles as applied in the handling of probationers and parolees.

Judge Smyth expressed appreciation for the fine service performed by the trustees of the Association in all sections of the country and particularly for the long service of Charles L. Chute to the Association.

WILL C. TURNBLADH  
*Executive Director*

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Officers, Board of Trustees, Staff,  
Advisory Council on Parole, Western  
Advisory Council, Midwestern Advisory  
Council, Professional Council

March 15, 1951

NATIONAL PROBATION AND PAROLE  
ASSOCIATION

*Organized 1907, Incorporated 1921*

1790 BROADWAY, NEW YORK 19

*Western Office* 105 Montgomery St., San Francisco 4

*Midwestern Office* 189 West Madison St., Chicago 2

*Southern Office* 1908 Airole Way, Austin, Texas

OFFICERS

President

GEORGE W. SMYTH . . . . . White Plains, New York

Vice Presidents

CHARLES L. CHUTE . . . . . New York City

WILLIAM DEAN EMBREE . . . . . New York City

Treasurer

LAURENCE G. PAYSON . . . . . New York City

Honorary Vice Presidents

CHARLES W. HOFFMAN . . . . . Cincinnati, Ohio  
*Judge, Court of Domestic Relations*

WILLIAM M. MALTBIE . . . . . Hartford, Connecticut  
*Chief Justice, Supreme Court of Errors*

PAUL V. McNUTT . . . . . New York City  
*Attorney*

EDWARD F. WAITE . . . . . Minneapolis, Minnesota  
*Former Judge, District Court*

# BOARD OF TRUSTEES

## Chairman

ROSCOE POUND . . . . . Los Angeles, California  
*Dean Emeritus, Harvard Law School*

## Terms Expire 1951

SANFORD BATES . . . . . Trenton, New Jersey  
*Commissioner, State Department of Institutions and Agencies*  
†\*CHARLES L. CHUTE . . . . . New York City  
EDWIN L. GARVIN . . . . . Brooklyn, New York  
*Former Justice, Supreme Court*  
FRANK J. HERLIHY . . . . . Chicago, Illinois  
*President, Herlihy Mid-Continental Construction Company*  
KARL HOLTON . . . . . Sacramento, California  
*Director, California Youth Authority*  
CHRISTOPHER G. JANUS . . . . . Chicago, Illinois  
*President, General Works Corporation*  
KENNETH D. JOHNSON . . . . . New York City  
*Dean, New York School of Social Work*  
ALEXANDER M. LEWYT . . . . . Brooklyn, New York  
*President, Lewyt Corporation*  
DR. FRANK J. O'BRIEN . . . . . New York City  
*Associate Superintendent of Schools*  
RIGHT REV. MSGR. JOHN O'GRADY . . . . . Washington, D. C.  
*Secretary, National Conference of Catholic Charities*  
LOUIS N. ROBINSON . . . . . Swarthmore, Pennsylvania  
†\*GEORGE W. SMYTH . . . . . White Plains, New York  
*Judge, Westchester County Children's Court*

## Terms Expire 1952

HENRIETTA ADDITON . . . . . Bedford Hills, New York  
*Superintendent, Westfield State Farm*  
WARD M. CANADAY . . . . . Toledo, Ohio  
*Chairman of the Board, Willys Overland, Inc.*  
SAMUEL R. FRY . . . . . Reading, Pennsylvania  
*President, Wyomissing Glazed Paper Company*  
IRVING W. HALPERN . . . . . New York City  
*Chief Probation Officer, Court of General Sessions*  
HENRY C. HILL . . . . . Harrisburg, Pennsylvania  
*Chairman, Board of Parole*  
\*MILES F. McDONALD . . . . . Brooklyn, New York  
*District Attorney, Kings County*  
G. HOWLAND SHAW . . . . . Washington, D. C.  
MRS. LEOPOLD K. SIMON . . . . . New York City  
*Member, New York State Commission Against Discrimination*  
†\*FRANK C. VAN CLEEF . . . . . New York City  
*Investment Counsel*

Terms Expire 1953

|                                                                  |                           |
|------------------------------------------------------------------|---------------------------|
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| <i>Judge, Juvenile and Domestic Relations Court</i>              |                           |
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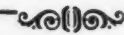
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## By-Laws

### NATIONAL PROBATION AND PAROLE ASSOCIATION

Adopted May 31, 1919. Amended April 14, 1920; June 21, 1921;  
June 22, 1922; June 9, 1929; May 14, 1932; May 22, 1937;  
May 9, 1942; October 24, 1947; April 17, 1948;  
April 27, 1950

#### ARTICLE I NAME

The corporate name of this organization shall be the National Probation and Parole Association.

#### ARTICLE II OBJECTIVES

*The objectives of this Association are:*

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop probation and parole systems by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

#### ARTICLE III MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Trustees and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, and organization members. Active members shall be those who pay dues of \$3 a year as a minimum, provided that those who do not desire the Yearbook shall pay \$2 a year as a minimum; except that when arrangements are made for the affiliation of all the members of a

state or local association of probation or parole officers, paying joint dues in the local and national associations, the Board of Trustees may authorize a reduction of dues for active membership. Contributing members shall be those who contribute \$10 or more annually to the Association. Supporting members shall be those who contribute \$25 or more annually to the Association. Sustaining members shall be those who contribute \$100 or more annually to the Association. Patrons shall be those who contribute during a single calendar year \$1000 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$25 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the treasurer or executive director shall thereupon cease to be members.

#### ARTICLE IV OFFICERS

The officers of the Association shall consist of a president, one or more vice presidents, and a treasurer, who shall be elected annually by the Board of Trustees and shall serve until their successors are elected, and an executive director who shall be elected by said board to serve during its pleasure. The board also in its discretion may elect honorary officers who shall serve for such terms as the board shall determine.

#### ARTICLE V DUTIES OF OFFICERS

The president, or in his absence a vice president, shall act as chairman at all business meetings of the Association. The treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Trustees. The executive director shall be the chief executive officer of the Association. He shall be paid such compensation as may be determined by the board.

#### ARTICLE VI OTHER EMPLOYEES

Other members of the executive staff and clerical assistants shall be appointed in such manner and for such terms and compensation as may be determined from time to time by the Board of Trustees.

## ARTICLE VII BOARD OF TRUSTEES

The Board of Trustees shall consist of not less than thirty nor more than sixty members as the board shall determine from time to time, to be elected by the members of the Association at its annual meeting. At each annual meeting trustees shall be elected in number and for terms of three years or less as determined by the Board of Trustees, so that one-third of the terms of trustees shall expire each year. The board may fill any vacancy occurring among the officers or members of the Board of Trustees for the unexpired term, except that in the case of a vacancy occurring through increasing the number of trustees, the appointment shall be until the next annual meeting of the Association. The board shall elect a chairman annually. He shall preside at the meetings of the board and shall be ex officio a member of all committees of the board.

## ARTICLE VIII DUTIES OF TRUSTEES

The Board of Trustees shall elect the officers, shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

## ARTICLE IX COMMITTEES

There shall be an Executive Committee elected annually by the Board of Trustees. The number of members of the committee and the number required to constitute a quorum shall be determined by the Board of Trustees. The committee shall elect its chairman annually. It shall have the power and perform the duties of the Board of Trustees between the meetings of the board.

There shall be a Professional Council of the Association to consist of representatives of probation and parole services from the various sections of the country. The council shall consist of thirty or more members who shall be appointed by the president in such manner that the terms of one-third of the members shall expire on December thirty-first of each year. Members shall serve for terms of three years and until their successors are appointed. A vacancy may be filled by the president at any time for the

unexpired term. The council shall elect its officers at its annual meeting to be held as determined by the council. The council shall make recommendations to the Board of Trustees with regard to all matters concerning the professional work of the Association.

A nominating committee consisting of five members of the Association shall be appointed by the president each year to nominate candidates for membership on the Board of Trustees.

Such other standing and special committees as may be authorized by the Association or the Board of Trustees shall be appointed by the president, unless otherwise directed by the Association or by the board.

#### ARTICLE X MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day and at such place as may be determined by the trustees. Special meetings may be held as determined by the trustees. Ten members shall constitute a quorum. Meetings of the Board of Trustees shall be held at such times and places as the board may determine. One-third of the members shall constitute a quorum of the board.

#### ARTICLE XI AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Trustees.



## Program

### National Probation and Parole Association

THE Association is the only national agency exclusively engaged in the effort to extend and improve probation and parole service, juvenile and other specialized courts for effective dealing with child and family problems. It is concerned with the coordination of probation, parole and institutional work, and interested in all measures for constructive social treatment and the prevention of crime.

The Association has:

- 1) a nationwide membership of probation and parole workers, judges and citizens interested in the successful application of basic principles of the social treatment of crime and delinquency;
- 2) an active continuing board of trustees made up of prominent judges, probation and parole executives, and representative citizens;
- 3) an experienced staff which carries on its program.

In its working program the Association:

- 1) conducts city and statewide surveys of courts, probation and parole departments; prepares reports; organizes and cooperates with local committees and agencies to maintain and develop effective probation, parole and social court organization;
- 2) drafts laws to extend and improve probation, parole and juvenile courts, and assists in securing the enactment of these laws;
- 3) aids judges and probation and parole executives in securing competent officers, and assists officers and other qualified persons in obtaining placements;

- 4) promotes state supervision of probation and parole, and co-operates with state departments and associations;
- 5) conducts national conferences and assists with special conferences and institutes for training workers;
- 6) carries on a research program for the study of practical problems in this field;
- 7) serves as a clearinghouse for information and literature on probation, parole, juvenile courts, domestic relations courts, and crime prevention, for the entire country;
- 8) publishes a bimonthly magazine with informative articles; the *Yearbook*, with addresses and reports of the annual conferences; a *Directory of Probation and Parole Officers in the United States and Canada*; summaries of juvenile court, probation and parole legislation; case record forms; reports of surveys and studies; and practical leaflets and pamphlets.

*Membership in the Association is open to everyone. Each member receives the bimonthly magazine Focus, and the Yearbook upon request.*

Membership categories: active, \$3 with the Yearbook (with the Yearbook in cloth binding, \$3.50), \$2 without the Yearbook; contributing, \$10; supporting, \$25; sustaining, \$100; patron, \$1000 or over.

The Association is supported entirely by membership dues and voluntary contributions. Gifts are urgently needed to meet the growing needs of the work and the many requests for assistance from courts and communities all over the country. Contributions to the Association are deductible from income tax returns.

# INDEX

## A

Alabama 117 118 137 254 260  
261  
American Parole Association 111  
115 116  
American Prison Association 116  
Arizona 117 118 260 261  
Arkansas 118 260 261  
Attorney General's Survey of Re-  
lease Procedures 112

## B

Betz, Elizabeth A. *paper* 75  
Book, Dorothy L. *paper* 89  
Boswell, Charles H. *paper* 40  
British Columbia 260 273

## C

California 10 117 118 151 255  
260 261  
Case stories 36 95 97 105 170  
172 174 179 190 198 199  
200 212 215 219 225 226  
228  
Casework in parole supervision  
158ff  
Chicago Area Project 154  
Clendenen, Richard *paper* 65 93  
Cohen, Louis D. *paper* 203  
Colorado 7 117 118 260 262  
Congress of Correction 153 273  
289  
Connecticut 4 118 140 260 262

## D

Decisions, legal (*see also Legisla-  
tion*) 245ff  
Delaware 117 119 260 263 275  
Depersonalization 188 189  
Detention 6  
District of Columbia 10 16 76  
112 113 114 117 118 260  
273 275

## F

Family court 24ff 245ff  
Federal Bureau of Prisons 6  
FitzGerald, Edmond *paper* 231  
Florida 117 118 119 255 260  
263  
Forestry camp 7

## G

Georgia 10 117 118 248 252  
258 260 263 275  
Germany, parole system in 218ff  
Group therapy 60

## H

Hawaii 76 117 118  
Hiller, Francis 12

## I

Idaho 117 137 255 260 264  
275  
Illinois 4 118 140 260 264  
Indiana 117 118 119 140 260  
264  
Interstate compact 115 134 252  
Iowa 117 118 119 260 265  
275  
Israel, probation and parole in  
231ff

## J

Jaek, Gordon S. *paper* 146  
Juvenile court (*see also Legisla-  
tion, Standard Juvenile Court  
Act*) 4 5 9ff 24ff 40ff  
Citizens Advisory Council 40ff  
decisions 251  
interpretation 45  
legislation 245ff

## K

Kansas 117 118 119 260 265  
Kentucky 117 118 119 137 246  
260 265 275

Killinger, George G. *paper* 121  
149

Kite, St. Alban *paper* 218

L

Legislation (*see also Decisions, legal*) 245ff

Leonard, Charles W. *paper* 101

Lindeman, Eduard C. 41

Louisiana 117 118 119 248 260  
266

M

Maine 117 118 133

Maryland 117 118 246 260 266  
275

Massachusetts 112 113 114 118  
140 252 260 266 275

McGrath, J. Howard *paper* 1

McHugh, Thomas J. *paper* 158

Melson, Elwood F. *paper* 24

Michigan 10 117 118 119 260  
266

Middle Atlantic States Conference  
274

Minnesota 117 118 146ff 260  
267

Mississippi 76 113 117 118 255  
260 267

Missouri 117 260 268 275

Montana 117 119 260 268

N

National Conference of Social  
Work 41 50 89 93 101 273  
289

National Council of Juvenile Court  
Judges 263

National Probation and Parole  
Association 7 9 12 72 111  
116 131 235 240 260ff

addresses 274

Advisory Council on Parole 298

board of trustees 278 296 297

business meeting 291

by-laws 304

conferences 273

detention service 277

field service 261

institutes 274

membership 279

Midwestern Advisory Council  
299

motion picture 278

officers 278 295

parole division 275

Professional Council 278 284  
288 300

program 308

publications 275

publicity 277

resolutions 291ff

staff 279 297

treasurer's report 281

Western Advisory Council 298

National Training School for Boys  
7

Nebraska 117 118 119 255

Nevada 118 252 260 268

New England Conference 274

New Hampshire 118 119 130ff  
245 256 275

New Jersey 117 118 245 253  
257 258 260 269

New Mexico 118 260 269

New York 112 118 119 140  
158 251 253 255 257 260  
269 275

Norman, Sherwood 277

North Carolina 115 117 252  
260 269

North Dakota 10 76 118

O

Offender, adolescent 1ff

federal 1ff

Ohio 117 118 119 251 260 270

Oklahoma 118 260 270 275

Oregon 117 118 119 137 140  
260 270

Orenstein, Leo L. *paper* 195

Oswald, Russell G. *paper* 139

## P

- Parole 111ff 139ff  
     and caseload 146ff  
     and casework 146ff 158ff  
     and conditional release 127  
     boards 121ff 163 258 259  
     Germany 218ff  
     Israel 231ff  
     juvenile 65ff 77 82 86 89ff  
     legal decisions 258ff  
     legislation 255ff  
     psychological techniques in 203ff  
     theory of 124 125  
 Pennsylvania 117 118 119 140  
     245 258 260 270  
 Polier, Justine Wise *paper* 9  
 Pound, Roscoe 4  
 Probation 5 31 35 139ff  
     and caseload 146ff  
     and the homeless 170ff  
     casework 146ff  
     Israel 231ff  
     legal decisions 254 255  
     legislation 252ff  
     psychological techniques in 203ff  
     statewide organization 130ff  
 Psychopath, criminal 179ff  
 Puerto Rico 117 118 245 250  
     257

## R

- Reeves, Elmer W. *paper* 170  
 Rhode Island 4 117 137 140  
 Rorschach 206ff  
 Rubin, Sol *paper* 245

## S

- Schmideberg, Melitta *paper* 179  
 Sex Offender 195ff 253 255 257  
 Slavson, S. R. *paper* 50  
 Smith, Richard T. *paper* 130  
 South Carolina 118 137 260 271  
 South Dakota 10 117 118  
 Southern States Conference 273  
     274  
 Standard Juvenile Court Act 9ff  
     263

## T

- Technique, psychological 203ff  
 Tennessee 117 118 119 260  
     275  
 Texas 5 115 117 118 119 252  
     260 271  
 Thematic Apperception Test 204ff  
 Training schools 65ff 75ff 93  
     101ff  
 Treatment  
     institutional 50ff  
     psychiatric 179 195  
 Truman, Harry S. 2 3  
 Turnblad, Will C. *paper* 260

## U

- U. N. committee on probation 273  
 U. S. Board of Parole 118 121  
     122 123 149 247  
 U. S. Bureau of Prisons 247  
 U. S. Children's Bureau 9 65  
     248  
 Utah 4 118 137 260 271

## V

- Vermont 119 133 135 137 260  
     272  
 Virginia 7 117 119 137 246  
     249 260 272 275

## W

- Washington 117 119 137 140  
     260 272  
 West Virginia 117 118 119 260  
     272  
 Western Probation and Parole  
     Conference 274  
 Wisconsin 118 139 140 260  
     272  
 Wise, Randolph E. *paper* 111  
 Wyoming 118 119 137 260 273

## Y

- Youth Authority 246 261  
 Youth Correction Authority (*see*  
     *Youth Authority*)

